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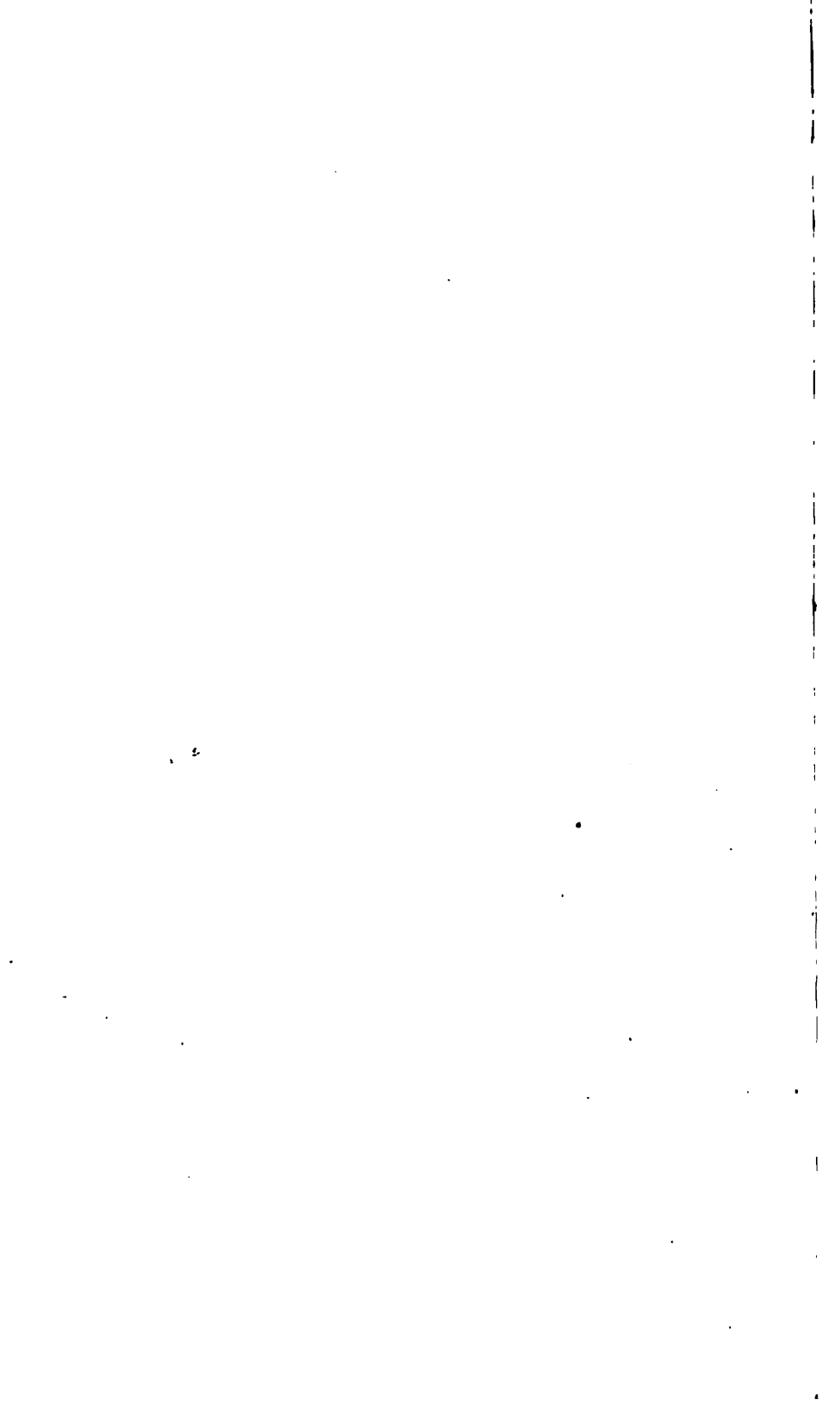
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L A W S
OF THE
STATE OF NEW-YORK,
PASSED AT THE
SIXTY-FIFTH SESSION
OF THE
LEGISLATURE,
BEGUN AND HELD IN THE CITY OF ALBANY,
THE FOURTH DAY OF JANUARY, 1842.



ALBANY:
PRINTED BY CHARLES VAN BENTHUYSEN,
FOR
WM. AND A. GOULD AND CO. ALBANY,
AND
GOULD, BANKS AND CO. LAW BOOKSELLERS, NEW-YORK.
.....
1842.



[P] In this volume, the laws which were certified as having been passed by a vote of two-thirds of each House, are specified as such. The others are not so certified.

LAWS

OF THE

STATE OF NEW-YORK,

PASSED AT THE SIXTY-FIFTH SESSION OF THE LEGISLATURE, BEGUN AND HELD IN THE CITY OF ALBANY, THE FOURTH DAY OF JANUARY, 1842.

CHAPTER 1.

AN ACT *to extend the time for the collection of taxes in the town of Barre, in Orleans county.*

[Passed January 17, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. If the collector of taxes in the town of Barre, in the county of Orleans, shall, within the time now provided by law, pay over all moneys by him collected, and renew his security to the satisfaction of the supervisor of said town, or in his absence, of the town clerk, the time for collecting the taxes and making the returns thereof, shall be extended to the twentieth day of March next. Time extended.

§ 2. This act shall take effect immediately.

CHAP. 2.

AN ACT *to extend the time for collecting the taxes in the town of Sparta.*

[Passed January 18, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. If the collector of taxes in the town of Sparta, in the Time extended.

county of Livingston, shall, within the time now provided by law, pay over all moneys by him collected, and renew his security to the satisfaction of the supervisor of said town, or in his absence, of the town clerk, the time for collecting the taxes and making the returns thereof, shall be extended to the first day of March next.

§ 2. This act shall take effect immediately.

CHAP. 3.

AN ACT to repeal an act entitled "*An act respecting the appointment of receivers of moneyed institutions,*" passed April 27th, 1841, and to limit the compensation of receivers.

[Passed January 22, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Repeal.

§ 1. The act entitled "*An act respecting the appointment of receivers of moneyed institutions,*" passed April 27th, 1841, is hereby repealed.

Pay of receivers.

§ 2. Receivers of moneyed institutions shall be entitled to the same commissions and compensation for their services as are now allowed by law to executors and administrators, and no greater or other commissions or compensation than is hereby allowed, shall be received or retained by them.

§ 3. This act shall take effect immediately.

CHAP. 4.

AN ACT to extend the time for laying out and opening a road in the counties of Jefferson and St. Lawrence.

[Passed January 22, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Time extended.

§ 1. The time named in the tenth section of an act entitled "*An act appointing commissioners to lay out and open a road in the counties of Jefferson and St. Lawrence,*" passed April 19th, 1834, which time was extended by an act relative to said road, passed January 25th, 1841, to the first day of February, 1842, is hereby further extended to the first day of February, 1843.

CHAP. 5.

AN ACT to amend an act entitled "*An act for the relief of the Trustees of the Third Congregation of the Associate Reformed Church in the city of New-York,*" passed February 5, 1819.

[Passed January 27, 1842, by a two-third vote.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. That all and every authority and power contained in the said act, passed February 5, 1819, for the relief of the said trustees shall be taken and considered as applying to, and is hereby extended to all other, the rest, residue and remainder of the property, both real and personal or leasehold of the said trustees, in the city of New-York, which they now have or may hereafter acquire ; and the manner and form in which the said trustees are in that act authorized to execute papers, may be used by the said trustees under this act, whether of property real and personal, or otherwise, which they now have, or may hereafter acquire. Provisions of act of 1819 extended.

§ 2. That the said trustees may take down and remove their church edifice, session house and buildings, and all other improvements on any part of their lands and premises, to any other lands and premises they have or may acquire in the city of New-York ; and the lands and premises, whether in fee or leasehold, the said trustees may exchange for any other lands and property in the city of New-York, or may sell and dispose of the said lands and premises, whether in fee or leasehold, at public or private sale, and upon any exchange or sale, may execute all necessary deeds, conveyances, agreements and papers, in the same manner and form, and with the same validity and effect as is authorized in and by the said act of February, 1819, whereof this is an amendment and extention. Church edifice, &c. may be removed.

§ 3. This act shall take effect immediately.

CHAP. 6.

AN ACT to extend the time for the collection of taxes in the town of Ridgeway.

[Passed January 27, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. If the collector of taxes in the town of Ridgeway in the county of Orleans, shall, within the time now prescribed by law, pay over all moneys by him collected, and renew his se- Time extended.

curity to the satisfaction of the supervisor of said town, or in his absence, of the town clerk thereof, the time for the collecting and making the final return of taxes in said town, shall be extended to the first day of March next.

§ 2. This act shall take effect immediately.

CHAP. 7.

AN ACT *to extend the time for the collection of taxes in the town of Saratoga Springs.*

[Passed January 27, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Time extended.

§ 1. If the collector of taxes in the town of Saratoga Springs, shall, within the time now provided by law, pay over all moneys by him collected, and renew his security to the satisfaction of the supervisor of said town, or in his absence, of the town clerk, the time for collecting the taxes in said town, and making the returns thereof, shall be extended to the first day of March next.

§ 2. This act shall take effect immediately.

CHAP. 8.

AN ACT *to extend the time for the collection of taxes in the town of Johnsburgh, assessed for laying out and making a road through parts of Hamilton and Warren counties.*

[Passed January 27, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Time extended.

§ 1. The time for the collection of the taxes assessed in pursuance of "An act to authorize the laying out of a road from Johnsburgh to the State road, in Hamilton county," passed April 27, 1841, is hereby extended to the first of May next, provided the said collector of Johnsburgh, in the said county of Warren, shall renew his security to the satisfaction of the supervisor of said town, or in his absence, of the town clerk.

§ 2. This act shall take effect immediately.

CHAP. 9.

AN ACT to extend the time for the collection of taxes in the town of Chenango, in the county of Broome.

[Passed January 28, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. If the collector of taxes in the town of Chenango, in the county of Broome, shall renew his security to the satisfaction of the supervisor of said town, and pay over the moneys by him previously collected, within the time now provided by law ; the time for the collection and making final returns of taxes in said town is hereby extended to the first day of March next. Time extended.

§ 2. This act shall take effect immediately.

CHAP. 10.

AN ACT to extend the time for the collection of taxes in the town of Galen.

[Passed January 28, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. If the collector of taxes in the town of Galen, in the county of Wayne, shall, within the time now provided by law, pay over all moneys by him collected, and renew his security to the satisfaction of the supervisor of said town, or, in his absence, of the town clerk thereof ; the time for the collecting and making the final return of taxes in said town, shall be extended to the first day of March next. Time extended.

§ 2. This act shall take effect immediately.

CHAP. 11.

AN ACT to extend the time for the collection of taxes in the several towns therein mentioned.

[Passed January 28, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. If the several collectors of taxes in the towns of Aurora, in the county of Erie ; Canajoharie, in the county of Montgomery ; Wawarsing, in the county of Ulster ; Salina, in the county of Onondaga ; Cobleskill, in the county of Schoha- Time extended.

rie; Wolcott, in the county of Wayne; and the town and village of Flushing, in the county of Queens, shall each renew his security to the satisfaction of the supervisors of said towns respectively, or in the absence of the supervisor, of the town clerk thereof, and pay over the moneys by him previously collected, by the tenth day of February, 1842, the time for collecting and making final return of taxes in said towns, is hereby extended to the first day of March next.

§ 2. This act shall take effect immediately.

CHAP. 12.

AN ACT to extend the time for the collection of taxes in the town of Greenbush, in the county of Rensselaer.

[Passed January 28, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Time extended.

§ 1. If the collector of taxes in the town of Greenbush, in the county of Rensselaer, shall renew his security to the satisfaction of the supervisor of said town, or in his absence, to the satisfaction of the town clerk of said town, and pay over the moneys by him previously collected within the time now provided by law, the time for collecting the taxes in said town shall be extended to the first day of March next.

§ 2. This shall take effect immediately.

CHAP. 13.

AN ACT to extend the time for the collection of taxes in the several towns therein mentioned.

[Passed January 28, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Time extended.

§ 1. If the several collectors of taxes in the towns of Amsterdam, in the county of Montgomery; Sand Lake, in the county of Rensselaer; Mayfield, in the county of Fulton; Mokawk, in the county of Montgomery, and Western, in the county of Oneida; Onondaga, in the county of Onondaga, shall, within the time now provided by law, pay over the moneys by them collected and renew their security to the satisfaction of the supervisor of said towns respectively, or in his absence, of the town clerk thereof, the time for the collection and making final return of taxes therein, is hereby extended to the first day of March next.

§ 2. This act shall take effect immediately.

CHAP. 14.

AN ACT to pay the late clerk of the Senate.

[Passed January 29, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The Treasurer shall pay, on the warrant of the Comptroller, to Samuel G. Andrews, late clerk of the Senate, his salary from the first day of May, 1841, to the 27th day of January, 1842, at and after the rate established by law. And also at the same rate for keeping the executive journals up to the time last mentioned. And also seventy-five dollars for clerk hire during the same period, together with travel fees allowed to him under the resolution of the Senate, passed May 14, 1840. The same not to affect the present clerk of the Senate in the payment of his salary.

Money to be paid to S. G. Andrews.

§ 2. This act shall take effect immediately.

CHAP. 15.

AN ACT to amend an act, entitled "An act for the relief of the trustees under the will of Charles Carroll Harper."

[Passed February 1, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall be lawful for Joseph J. Speed, Charlotte C. Harper, and John White, trustees under the will of Charles Carroll Harper, or the survivors or survivor of them, to sell, lease, and otherwise to dispose of all the real estate lying and being in the state of New-York, which the said Charles Carroll Harper, by his last will devised to the said trustees, for the benefit of his infant children, Catharine C. Harper and Emily L. Harper, which, by the death of the said Catharine C. Harper, has vested in the said Emily L. Harper, the surviving infant child of the said Charles Carroll Harper, deceased.

Power of trustees to sell, &c.

§ 2. Deeds executed by the said Joseph J. Speed, Charlotte C. Harper and John White, trustees aforesaid, or their lawfully authorized agents, shall be valid and effectual in law and equity, to pass and convey the interest and estate in said lands, which the said Emily L. Harper inherited from the said Catharine C. Harper.

Deeds made valid.

§ 3. This act shall take effect immediately.

CHAP. 16.

AN ACT *to extend the time for the collection of taxes in the several towns therein mentioned.*

[Passed February 1, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Time extended.

§ 1. If the several collectors of taxes in the towns of Lansingburgh, in the county of Rensselaer, Victory, in the county of Cayuga, Glen, in the county of Montgomery, and Arcadia, in the county of Wayne, shall, within the time now provided by law, pay over all the moneys by them previously collected, and renew their security to the satisfaction of the supervisors of said towns, or, in his absence, of the town clerk thereof, the time for the collection and making final returns of taxes in said towns, is hereby extended to the first day of March next.

§ 2. This act shall take effect immediately.

CHAP. 17.

AN ACT *to extend the time for the collection of taxes in the town of Broadalbin.*

[Passed February 1, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Time extended.

§ 1. If the collector of taxes in the town of Broadalbin, in the county of Fulton, shall, within the time now provided by law, pay over all moneys by him collected, and renew his security to the satisfaction of the supervisor of said town, or in his absence, of the town clerk thereof, the time for collecting and making the final return of taxes in said town shall be extended to the first day of March next.

§ 2. This act shall take effect immediately.

CHAP. 18.

AN ACT *to extend the time for the collection of taxes in the town of Johnstown.*

[Passed February 1, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Time extended.

§ 1. If the collector of taxes in the town of Johnstown, in

the county of Fulton, shall, within the time now provided by law, pay over all moneys by him collected, and renew his security to the satisfaction of the supervisor, or in his absence, of the town clerk, the time for collecting the taxes and making the returns thereof in said town, shall be extended to the first day of March next.

§ 2. This act shall take effect immediately.

CHAP. 19.

AN ACT *to extend the time for the collection of taxes in the several towns therein mentioned.*

[Passed February 1, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. If the several collectors of taxes in the towns of Ellisburgh, in the county of Jefferson, and Conesus, in the county of Livingston, shall, within the time now provided by law, pay over all moneys by them previously collected, and renew their security to the satisfaction of the supervisor of said towns respectively, or in his absence, of the town clerk thereof, the time for the collection and making final return of taxes in said towns is hereby extended to the first day of March next. Time extended.

§ 2. This act shall take effect immediately.

CHAP. 20.

AN ACT *to repeal an act entitled "An act relative to the general sessions of the county of Genesee," passed March 7th, 1836.*

[Passed February 1, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. An act entitled "An act relative to the general sessions Repeal. of the county of Genesee," passed March seventh, one thousand eight hundred and thirty-six, is hereby repealed.

§ 2. This act shall take effect immediately.

CHAP. 21.

AN ACT to extend the time for the collection of taxes in the town of Hancock.

[Passed February 2, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Time extended.

If the collector of taxes in the town of Hancock, in the county of Delaware, shall, within the time now provided by law, pay over all moneys by him collected, and renew his security to the satisfaction of the supervisor of said town, or in his absence, of the town clerk thereof, the time for the collecting and making the final return of taxes in said town, shall be extended to the first day of March next.

§ 2. This act shall take effect immediately.

CHAP. 22.

AN ACT to extend the time for collecting the taxes in the town Leicester.

[Passed February 2, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Time extended.

§ 1. If the collector of taxes in the town of Leicester, in the county of Livingston, shall, within ten days, pay over all the moneys by him collected, and renew his security to the satisfaction of the supervisor of said town, or in his absence, of the town clerk, the time for collecting the taxes and making returns thereof, shall be extended to the first day of March next.

§ 2. This act shall take effect immediately.

CHAP. 23.

AN ACT to extend the time for the collection of taxes in the town of Livonia.

[Passed February 2, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Time extended.

§ 1. If the collector of taxes in the town of Livonia, in the county of Livingston, shall, within ten days, pay over all mo-

neys by him collected, and renew his security to the satisfaction of the supervisor of said town, or in his absence, of the town clerk, the time for collecting and making the final return of taxes in said town shall be extended to the first day of March next.

§ 2. This act shall take effect immediately.

CHAP. 24.

AN ACT to extend the time for the collection of taxes in the city of Troy.

[Passed February 2, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. If the collectors of taxes in the several districts of the city of Troy, shall renew their securities in such manner as the several supervisors of said districts shall reasonably require, the time for the collection and making the returns of taxes shall be extended to the 21st day of February, 1842. But all moneys collected by them on the day when this act shall become a law, shall be paid over to the treasurer on that day. Time extended.

§ 2. This act shall take effect immediately.

CHAP. 25.

AN ACT to extend the time for the collection of taxes in the town of Scriba.

[Passed February 2, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. If the collector of taxes in the town of Scriba, in the county of Oswego, shall, within the time now provided by law, pay over all moneys by him collected, and renew his security to the satisfaction of the supervisor of said town, or in his absence, of the town clerk, the time for collecting the taxes and making the returns thereof, shall be extended to the first day of March next. Time extended.

§ 2. This act shall take effect immediately.

CHAP. 26.

AN ACT to extend the time for the collection of taxes in the several towns therein mentioned.

[Passed February 2, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Time extended.

§ 1. If the collectors of taxes in the town of Philadelphia, in the county of Jefferson, and in the town of Sodus, in the county of Wayne, and in the town of Vienna, in the county of Oneida, and in the town of Middletown, in the county of Delaware, shall renew their securities to the satisfaction of the supervisor, or in his absence, of the town clerks of their respective towns, and shall severally pay over all moneys by them previously collected, within the time now provided by law, the time for the collection and making the final returns of taxes in said towns shall be extended to the twentieth day of March next.

§ 2. This act shall take effect immediately.

CHAP. 27.

AN ACT relative to the Circuit Courts, and court of Oyer and Terminer, in and for the county of Ontario.

[Passed February 4, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Court, when to be held.

§ 1. The circuit court and court of oyer and terminer in and for the county of Ontario, appointed to be held by the circuit judge of the seventh circuit on the second Monday of November, for the year eighteen hundred and forty-two, shall be held on the second Monday of October in the same year.

CHAP. 28.

AN ACT to authorize the Supervisors of the county of Wyoming, to release and convey to the county of Genesee, their interest in the poor house farm, situated in the county of Genesee.

[Passed February 4, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Poor-house to be released.

§ 1. The supervisors of the county of Wyoming, are here-

by authorized and empowered, by good and sufficient deed of release and conveyance, to release and convey to the county of Genesee, all the right, title and interest of the county of Wyoming, either in law or equity, of, in and to the poor house and poor house farm, situate in the town of Bethany, in said county of Genesee, and in such deed to describe said farm by the necessary metes and bounds thereof.

§ 2. This act shall take effect immediately.

CHAP. 29.

AN ACT to extend the time for the collection of taxes in the town of Mount-Morris.

[Passed February 7, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. If the collector of taxes of the town of Mount-Morris, in the county of Livingston, shall renew his security to the satisfaction of the supervisor of said town, or in his absence, of the town clerk, and pay over the moneys by him collected, by the fifteenth day of February, 1842, the time for the collection and making the final return of taxes in said town shall be extended to the twentieth day of March next.

§ 2. This act shall take effect immediately.

CHAP. 30.

AN ACT to enable the General Society of Mechanics and Tradesmen of the city of New-York, to extend the benefits of their School and Library.

[Passed February 7, 1842, by a two-third vote.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The General Society of Mechanics and Tradesmen in the city of New-York is hereby authorized to receive pay for instruction in the school established by them, from pupils other than those children of deceased or indigent members who are now entitled to gratuitous instruction. The profits derived from such payments shall be applied to the support and improvement of the library and reading-room established by the society for the use of apprentices and others.

§ 2. The society is authorized to establish and hold a separate fund for the support of the apprentices' library and read-

Time extended.

Pay to be received for certain pupils.

Funds for the apprentices library.

ing-room, and to receive and hold any donation, devise or bequest, for the purposes of such fund, which shall be held and applied by the society as in trust for these special purposes, and not to be applied or diverted to other objects, provided that said fund so held in trust shall not at any time exceed the sum of ten thousand dollars.

By-laws
may be
made.

§ 3. The society may provide, by proper by-laws, for the investment and management of the said fund, and in their discretion, for the admission of donors or subscribers other than members of the society, to a participation in the direction and use of the library and reading-room.

§ 4. This act shall take effect immediately.

CHAP. 31.

AN ACT *to extend the time for the collection of taxes in the town of Lenox.*

[Passed February 8, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Time ex-
tended.

§ 1. If the collector of taxes in the town of Lenox, in the county of Madison, shall, by the tenth day of February instant, pay over all moneys collected by him, and renew his security to the satisfaction of the supervisor of said town, or in his absence, of the town clerk thereof, the time of collecting and making the final returns of taxes in said town, shall be extended to the first day of March next.

§ 2. This act shall take effect immediately.

CHAP. 32.

AN ACT *to extend the time for the collection of taxes in the several towns therein mentioned.*

[Passed February 9, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Time ex-
tended.

§ 1. If the several collectors of taxes in the town of Cortland, in the county of Westchester, and in the town of Fallsburgh, in the county of Sullivan, shall each renew his security to the satisfaction of the supervisor of said towns, or in his absence, of the town clerks thereof, and pay over all moneys by them previously collected by the tenth day of February, 1842, the time

for the collection and making final returns of taxes in said towns shall be extended to the first day of March next.

§ 2. This act shall take effect immediately.

CHAP. 33.

AN ACT to extend the time for the collection of taxes in the Second and Third Wards of the city of Buffalo.

[Passed February 9, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. If the collectors of taxes in the second and third wards of the city of Buffalo shall pay over all moneys by them collected within the time now provided by law, and renew their securities respectively, to the satisfaction of the supervisors of the said wards, the time for collecting and making the final returns of taxes in said wards shall be extended to the first day of March next.

Time extended.

§ 2. This act shall take effect immediately.

CHAP. 34.

AN ACT to amend an act entitled "An act to provide for the further improvement of the Chemung canal and feeder," passed May 25, 1841.

[Passed February 9, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The fourth section of the act entitled "An act to provide for the further improvement of the Chemung canal and feeder," passed May 25, 1841, is hereby amended so as to authorize the commissioners of the canal fund to raise so much of the money, not exceeding one hundred and fifty thousand dollars, provided to be raised in and by the fourth section of the said act, as shall be necessary to render the said Chemung canal and feeder navigable, by rebuilding the locks and making the improvements directed by the said act, by temporary loans, from time to time, at a rate not exceeding six per cent per annum, for any time not less than nine months, and not exceeding two years, from any individual or money corporation, or banking association, in the same manner that the Comptroller is by law authorized to make temporary loans for the treasury. They may cause certificates of stock to be issued for such sum or sums, in the manner herein before mentioned,

Amendment of act of 1841.

at a rate of interest not exceeding six per cent per annum, payable half yearly ; which certificates shall express on their face, that they are issued for the temporary loans authorized by this act ; and the same shall be paid and discharged out of the proceeds of the certificates of stock to be issued according to the fourth section of the act hereby amended ; and if the same shall not be so paid, then out of any revenues of the Erie and Champlain canals, which may remain in the hands of the commissioners of the canal fund, at the close of any fiscal year, after paying the several matters charged on said revenue, in and by the first section of the act entitled "An act to regulate the accounts between certain funds belonging to the state," passed May 25, 1841 ; and that the interest on said temporary loans be paid currently from said revenues.

§ 2. This act shall take effect immediately.

CHAP. 35.

AN ACT to amend the act passed 28th April, 1834, entitled
"An act to incorporate the city of Rochester."

[Passed February 10, 1842, by a two-third vote.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Five collectors to be chosen.

§ 1. There shall be hereafter five collectors of taxes and assessments for the city of Rochester, one for each of the five wards in said city, who shall be chosen by ballot, by the electors of such wards respectively at the annual election on the first Tuesday of March in each year, in the same manner as officers for the respective wards in said city are now elected, and shall hold their office for one year ; and no person shall be chosen such collector unless he be an elector and resident of the ward for which he shall be elected.

Repeal.

§ 2. So much of the first and eleventh sections of title second of the act entitled "An act to incorporate the city of Rochester," passed 28th April, 1834, as may be inconsistent with the first section of this act is hereby repealed, but all other provisions in said act applicable to collectors as now appointed shall apply to those elected under this act, except as hereinafter mentioned.

Vacancies, how to be supplied.

§ 3. Whenever any vacancy shall occur in said office of collector, by his refusal or neglect to take the oath of office within the time required by law, or by his resignation, removal, death or ceasing to be an inhabitant of the ward for which he shall be elected, or by reason of two or more candidates having received an equal number of votes, the common council of said city shall appoint some person being an elector of the ward for which he shall be appointed to fill such vacancy.

§ 4. Whenever it shall so happen that any warrant for the collection of taxes, shall embrace within the limits of the taxed territory, a portion of two or more wards of said city, the common council shall designate a collector who has been elected for any one of such wards to execute such warrant, who shall thereupon, in reference to such warrant, be invested with all the powers he would have on a warrant for the collection of taxes in his own ward.

Warrants embracing land in more than one ward, how executed.

§ 5. The marshal of the said city shall hereafter be chosen annually, by ballot, by the electors of the whole city, at the annual election of city officers on the first Tuesday of March in each year, and shall hold his office for the period of one year; and any thing inconsistent with this provision in the said act hereby amended, or in the subsequent acts amending the same, is hereby repealed; but no person shall be capable of holding said offices unless he shall be a resident and an elector of said city.

Marshal, how to be chosen.

§ 6. The common council shall have power to remove the person so elected to the said office of marshal, for misconduct in the same, or for the unfaithful or inefficient performance of the duties of his office, after giving to the person accused notice of the charges against him, and an opportunity of being heard in his defence.

May be removed for cause.

§ 7. In case of any vacancy occurring in the office in said last section mentioned, by reason of the death, resignation, removal, refusal to serve, or neglect to furnish the bond or other instrument required by the act hereby amended, the common council of said city shall appoint any person being an elector of said city to fill such vacancy; and they shall have power at any time to remove any such officer so by them appointed, and to appoint another in his place.

Vacancy, how to be supplied.

§ 8. In voting for persons to fill the said office of marshal at the annual election aforesaid, the names of the candidates shall be written or printed on the same ballot as that for mayor, the elector designating over the name of each candidate the office for which the vote is intended; and in addition to the word "mayor" being written or printed on said ballot when folded, as required by section 2d of an act passed February 13, 1840, entitled "An act to provide for the election of mayors by the people," shall be written or printed the words "and marshal."

Officers to be elected by ballot.

§ 9. This act shall take effect immediately on its passage.

CHAP. 36.

AN ACT *authorizing the Lockport and Niagara Falls Railroad Company to increase their capital stock.*

[Passed February 10, 1842, by a two-third vote.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Stock may
be increased

§ 1. The directors of the Lockport and Niagara Falls Railroad Company, are authorized to increase the capital stock of said company to an amount not exceeding twelve hundred thousand dollars, in addition to the capital now paid in.

Shares.

§ 2. The said directors are authorized to alter the shares in the stock of said company from fifty dollars to one hundred dollars each.

Appraisements, how
to be made
in certain
cases.

§ 3. The sixteenth section of the act entitled "An act to incorporate the Lockport and Niagara Falls Railroad Company," passed April 24, 1834, be so altered and amended, that in case of a disagreement between the owners of the land over which the said railroad shall pass, and the directors of the company as to the price to be paid the owners for their lands, and when it becomes necessary to apply to the vice-chancellor of the eighth circuit to institute proceedings to ascertain the price of such lands according to the said sixteenth section, the owners shall, on such appraisement as is provided in that section, be allowed to receive whatever damages they shall sustain, in addition to the value of their land, in consequence of the construction of the said road. And that the said sixteenth section be further amended so that the appraisement shall be made by three disinterested freeholders of the county where the lands appraised shall be situated.

CHAP. 37.

AN ACT *to extend the time for the collection of taxes in the town of Pomfret, in the county of Chautauque.*

[Passed February 12, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Time ex-
tended.

§ 1. If the collector of taxes in the town of Pomfret, on the county of Chautauque, shall, within one week after the final passage of this act, pay over all the moneys by him previously collected, and renew his security to the satisfaction of the supervisor, or in case of his absence, of the town clerk of said

town, the time for the collection and making final return of taxes in said town shall be extended to the tenth day of March next.

§ 2. This act shall take effect immediately.

CHAP. 38.

AN ACT to amend the Revised Statutes relative to executions on judgments on appeals.

[Passed February 14, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. That the two hundred and twenty-second section of the twelfth Article, Title fourth in the second Chapter of the third Part of the Revised Statutes be amended, so that it shall read as follows :

§ 222. If the judgment be rendered in favor of the appellee, he shall sue out execution thereon, within thirty days after the time, when by law such execution can be issued, or the sureties on the appeal bond shall be discharged, unless the sureties on such appeal shall consent in writing, to the staying of execution for a longer time. In which case the said appeal bond shall continue in force, provided execution issue within the time specified in such consent.

Appellee when to sue out execution.

§ 2. This act shall take effect immediately.

CHAP. 39.

AN ACT to confirm the official acts of Joseph G. Gardner, as constable.

[Passed February 17, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All the official acts of Joseph G. Gardner, by him performed as constable of the town of Hinsdale, in the county of Cattaraugus, since his appointment to that office, in the month of August last, shall be held to be of the same force and validity as if the said Joseph G. Gardner had, before performing such official acts, taken and filed an oath of office at the time and in the manner prescribed by law.

Official acts confirmed.

§ 2. All liabilities and forfeitures incurred by the said Joseph G. Gardner for having executed any of the duties of the said office of constable without having taken the oath of office in the manner and within the time prescribed by law, are hereby remitted.

Liabilities and forfeitures remitted.

Saving
clause.

§ 3. This act shall not affect the right of any party to any suit or legal proceedings which may have been had or commenced in consequence of the neglect of the said Joseph G. Gardner to take the said oath of office before the passage of this act.

§ 4. This act shall take effect immediately.

CHAP. 40.

AN ACT to enlarge the town of Perth in the county of Fulton.

[Passed February 17, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Parts of
Mayfield
and Broad-
albin annex-
ed to Perth.

§ 1. So much of the town of Mayfield and of the town of Broadalbin, in the county of Fulton, as lies south of a line commencing at a point in the west line of the town of Perth, and half a mile south of the northwest corner of said town, and running parallel with the south line of said town of Perth to the east line of Mayfield, and thence running on a direct course to a point in the east line of Broadalbin, which is one mile and twenty chains north of the southeast corner of said town, is hereby annexed to the town of Perth, and so much of said town of Perth as lies north of said line is hereby annexed to the said town of Mayfield.

§ 2. This act shall take effect immediately.

CHAP. 41.

AN ACT to repeal the charter of the Snake Hill Turnpike Road Company.

[Passed February 17, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Charter re-
pealed.

Road declar-
ed a public
highway.

§ 1. The act entitled "Act to incorporate the Snake Hill Turnpike Road Company," passed twenty-fourth of March, eighteen hundred and fifteen, and all provisions of law amending or altering the same are hereby repealed; and the said turnpike road is declared to be a public highway, and it shall be the duty of the commissioners of highways of the towns of Newburgh and New-Windsor, through which said turnpike road passes, to cause the same to be districted and worked in

the same manner as other highways in said towns are required to be districted and worked.

§ 2. This act shall take effect immediately.

CHAP. 42.

AN ACT to extend the time for the collection of taxes in the town of Lyons.]

[Passed February 17, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. If the collector of taxes in the town of Lyons, in the county of Wayne, shall, by the twenty-fifth day of February inst., pay over all moneys by him collected, and renew his security to the satisfaction of the supervisor of said town, or in his absence, of the town clerk thereof, the time for collecting and making the final returns of taxes in said town shall be extended to the fifteenth day of March next. Time extended.

§ 2. This act shall take effect immediately.

CHAP. 43.

AN ACT authorizing the superintendents of the poor of the county of Cayuga, to sell a certain piece of land, and for other purposes.

[Passed February 19, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Edward Allen and Robert Bloomfield, two of the superintendents of the poor of the county of Cayuga, are hereby authorized to sell and convey a certain lot of about eleven acres of land purchased as a timber lot for the use of the poor house of said county ; and are also authorized, for the same use and purposes, to purchase a timber lot, and pay for the same out of the moneys arising from the sale of the lot aforesaid, provided a purchase can be made which shall be advantageous to the people of said county ; and provided also, that the said sale and purchase shall be approved by the board of supervisors of said county. Power of superintendents.

§ 2. If the aforesaid superintendents shall not have made such purchase previous to the next annual meeting of the board of supervisors of said county, it shall be their duty to pay over to the treasurer of said county, all the moneys arising from the sale of the said lot of land, and take duplicate receipts therefor, Money, how to be disposed of.

one of which they shall forthwith file with the clerk of the board of supervisors of said county.

Duty of
county treas-
urer.

§ 3. The treasurer of said county shall receive and keep such moneys, subject to the order of the board of supervisors thereof.

§ 4. This act shall take effect immediately.

CHAP. 44.

AN ACT to confirm the acts of certain officers in the county of Wyoming.

[Passed February 19, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Official acts
confirmed.

§ 1. All justices of the peace, constables and commissioners of deeds, who had been duly elected or appointed in the several towns in the county of Genesee, previous to the division of said county and the erection of the county of Wyoming, and who at the time of the division of said county of Genesee, resided within the limits of that part of said county which was organized into the county of Wyoming, and were then in office, are hereby declared to be justices of the peace, constables and commissioners of deeds for the said county of Wyoming, and all official acts done by them or any of them, are hereby confirmed and declared valid, to the same extent that such act or acts would have been valid, if the county of Genesee had not been divided.

Saving
clause.

§ 2. This act shall not affect any suit already brought and now pending, for or on account of any official act of such justices, constables or commissioners.

§ 3. This act shall take effect immediately.

CHAP. 45.

AN ACT in relation to the county courts of the county of Columbia.

[Passed February 19, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Terms of
court.

§ 1. The terms of the court of common pleas of the county of Columbia, may be continued and held from the commencement thereof, until and including the third Saturday after the

commencement of such term, but no jury trial shall be had during the last week of said term.

§ 2. This act shall take effect immediately.

CHAP. 46.

AN ACT to establish the old line between the towns of Mayfield and Northampton, in the county of Fulton.

[Passed February 19, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The old division line between the towns of Mayfield and Northampton, in the county of Fulton, as held and recognized by said towns, previous to the first day of January, eighteen hundred and thirty-eight, is hereby established and declared the true division line between said towns; and each town shall hold the same territory, adjacent to the said line, they respectively held anterior to said date. Old line established.

§ 2. This act shall take effect immediately.

CHAP. 47.

AN ACT relative to certain insolvent insurance companies in the city of New-York.

[Passed February 19, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The time allowed by law for the receivers of certain insurance companies in the city of New-York, to make a final dividend of their assets by the act passed the twentieth day of February, 1838, entitled "An act in relation to certain insolvent insurance companies in the city of New-York," is further extended to the first day of March, 1843. Time to make dividend extended.

§ 2. This act shall take effect immediately.

CHAP. 48.

AN ACT for the appointment of special terms of the court of general sessions of the peace in and for the county of Onondaga.

[Passed February 23, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

An additional term may be appointed

§ 1. At any term of the court of common pleas and general sessions of the peace in and for the county of Onondaga, the judges thereof may appoint an additional term of the court of general sessions of the peace, to be held at the court house in said county, and to be continued from day to day for a time not exceeding two weeks ; but no more than two additional terms of said court shall be appointed in any one year.

When and how to be made.

§ 2. The appointment of any special term of said court of general sessions shall be made in open court, and an order therefor shall be entered in the minutes of said court of common pleas and general sessions ; and a copy of such order shall, without delay, be published by the clerk of said county for at least two weeks, in one or more of the newspapers printed and published in said county.

Jurors, how drawn and summoned.

§ 3. The jurors for such special term of said court shall be drawn and summoned, and the like notice of such drawing shall be given as is by law required for the courts of common pleas and general sessions of the peace in the several counties of this state ; but no grand jurors shall be summoned or required to attend any such special term unless the same shall be required in the order of the said court appointing such special term.

§ 4. This act shall take effect immediately.

CHAP. 49.

AN ACT to extend the time for the collection of taxes in the town of Watervliet.

[Passed February 25, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Time extended.

§ 1. If the collector of taxes in the town of Watervliet, in the county of Albany, shall, within the time now provided by law, pay all moneys by him collected, and renew his recurity to the satisfaction of the supervisor of said town, or in his absence, of the town clerk thereof, the time for collecting and

making the final return of taxes in said town shall be extended to the fifteenth day of April next.

§ 2. This act shall take effect immediately.

CHAP. 50.

AN ACT to extend the time for the collection of taxes in the city of Albany.

[Passed February 25, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. If the collectors of taxes in the several wards of the city of Albany, shall, within the time now provided by law, pay over all moneys by them collected, and renew their security to the satisfaction of the supervisors of the said wards respectively, the time for collecting and making the final returns of taxes in said wards shall be extended to the fifteenth day of April next. Time extended.

§ 2. This act shall take effect immediately.

CHAP. 51.

AN ACT to extend the time for the collection of taxes in the town of Bethlehem.

[Passed February 26, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. If the collector of taxes in the town of Bethlehem, in the county of Albany, shall, within the time now provided by law, pay over all moneys by him collected, and renew his security to the satisfaction of the supervisor of said town, or in his absence, of the town clerk, the time for the collection and making final returns of taxes in said town shall be extended to the first day of April next. Time extended.

§ 2. This act shall take effect immediately.

CHAP. 52.

AN ACT to extend the time for the collection of taxes in the town of New Scotland.

[Passed February 26, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. If the collector of taxes in the town of New Scotland, in the county of Albany, shall pay over all moneys by him previously collected, by the first day of March next, and renew his security to the satisfaction of the supervisor of said town, or in Time extended.

his absence, of the town clerk thereof, the time for the collecting and making final returns of taxes in said town, is hereby extended to the first day of April next.

§ 2. This act shall take effect immediately.

CHAP. 53.

AN ACT to extend the time for the collection of taxes in the town of Lee.

[Passed February 26, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Time extended.

§ 1. If the collectors of taxes in the town of Lee, in the county of Oneida, shall, within ten days after the passage of this act, pay over all moneys by him collected, and renew his security to the satisfaction of the supervisor, or in his absence, of the town clerk, the time for collecting the taxes and making the returns in said town shall be extended to the fifteenth day of March next.

§ 2. This act shall take effect immediately.

CHAP. 54.

AN ACT to confirm the official acts of Benjamin Cornelius, a justice of the peace in and for the county of Queens.

[Passed February 28, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Official acts confirmed.

§ 1. All the proceedings which have been had by and before Benjamin Cornelius, a justice of the peace of the town of Hempstead, in the county of Queens, since the first day of January, one thousand eight hundred and forty-one, shall be of the same force and validity as if the said Benjamin Cornelius had duly taken the oath of office in the manner and within the time prescribed by law and the constitution of this state.

Liabilities and forfeitures remitted.

§ 2. All liabilities and forfeitures incurred by the said Benjamin Cornelius for having executed any of the duties of the said office of justice of the peace, without having taken the oath of office in the manner and within the time prescribed by law are remitted.

Saving clause.

§ 3. This act shall not affect the right of any party in any suit or legal proceedings which may have been had or com-

menced in consequence of the invalidity of any proceedings before the said justice previous to its passage.

§ 4. This act shall take effect immediately.

CHAP. 55.

AN ACT to confirm the official acts of John L. Stevens, while acting as a justice of the peace.

[Passed February 28, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All the proceedings which have been had by and before John L. Stevens, acting as a justice of the peace of the town of Cicero, in the county of Onondaga, and all acts done by him as such since the twenty-ninth day of April, eighteen hundred and forty-one, shall be held of the same force and validity as if the said John L. Stevens had been duly elected at the regular annual town meeting in said town of Cicero, and had taken the oath and entered on the duties of the office of justice of the peace according to law. Official acts confirmed.

§ 2. All liabilities and forfeitures incurred by the said John L. Stevens for having executed any of the duties of said office of justice of the peace are hereby remitted. Liabilities and forfeitures remitted.

§ 3. This act shall not affect the right of any party to any suit or legal proceedings which may have been had or commenced in consequence of the invalidity of any proceedings before the said John L. Stevens acting as a justice of the peace previous to its passage. Savings clause.

§ 2. This act shall take effect immediately.

CHAP. 56.

AN ACT for the repeal of the New-York city registry law.

[Passed February 28, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. So much of the act entitled "An act to prevent illegal voting in the city of New-York, and to promote the convenience of legal voters," passed March 30, 1840, and so much of all other acts and parts of acts, amendatory thereof, as relates to the registration of voters, and the election of inspectors of elections are hereby repealed. Repeal

§ 2. The common council of the city of New-York shall, annually on or before the tenth day of March, meet and ap- Inspectors to be appointed.

point three inspectors of elections, for each election district in said city, who shall hold their offices for one year, and until others are appointed.

§ 3. This act shall take effect immediately.

CHAP. 57.

AN ACT to amend "An act to cede the title and jurisdiction over certain lands to the United States," passed April 21, 1840.

[Passed February 28, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Land to be ceded.

§ 1. The commissioners of the land office are hereby authorized to cede to the United States of America, the title of this state to the point of land belonging to this state, situate in the south village of Black-Rock, lying north of block one hundred and thirty-three, (133) and between the Erie canal and Black-Rock harbor, provided the same may be required by the United States for military purposes; reserving a free and uninterrupted use and control in the canal commissioners of all that may be necessary for canal and harbor purposes.

For what use, and on what conditions to be ceded.

§ 2. The jurisdiction over such lands as may be conveyed by virtue of the first section of this act, and such other lands as shall be purchased by the United States for the purpose of erecting a fort, battery or other military works thereon, adjacent to, or in the vicinity of the lands owned by the United States, and occupied by the light house in the city of Buffalo, shall be ceded to and vested in the United States; subject to such conditions and restrictions as are imposed by the act hereby amended.

CHAP. 58.

AN ACT to extend the time for which the Onondaga Salt Company was originally incorporated.

[Passed March 8, 1842, by a two-third vote.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Corporation continued for 20 years.

§ 1. The incorporation of the Onondaga Salt Company is hereby continued for and during the term of twenty years from and after the fifteenth day of April, in the year eighteen hundred and forty-two, with a capital stock of seventy-five thou-

sand dollars, and with all the rights and privileges and subject to all the restrictions contained in the act under which the said company was incorporated and the act supplementary to the same, passed April 12, 1822.

§ 2. The legislature may at any time alter, modify or repeal this act.

CHAP. 59.

AN ACT to annex a part of the town of New-Windsor in the county of Orange, to the town of Montgomery.

[Passed March 8, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All that part of the town of New-Windsor in the county of Orange, containing the farms whereon Edward L. Genung, Robert Lipsit, John Fields and John Discho now reside, commencing at the northeast corner of the town of Hamptonburgh, and thence running northerly so as to include the aforesaid farms and inhabitants, until it intersects the line of the town of Montgomery in said county, is hereby annexed to the said town of Montgomery, and shall hereafter constitute a part of said town.

Part of New-Windsor annexed to Montgomery.

CHAP. 60.

AN ACT extending the time for the collection of taxes in the towns of Coeymans and Guilderland.

[Passed March 8, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. If the collectors of taxes in the towns of Coeymans and Guilderland, in the county of Albany, shall renew their securities to the satisfaction of the supervisor of their respective towns, or in their absence, of the town clerk thereof, and shall severally pay over all moneys by them previously collected, by the first day of March next, the time for the collection and making the final returns of taxes in said towns shall be extended to the first day of April next.

Time extended.

§ 2. This act shall take effect immediately.

CHAP. 61.

AN ACT for continuing and regulating a ferry across the Hudson river in the town of Phillips in the county of Putnam.

[Passed March 8, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

John Garrison may keep a ferry. § 1. It shall be lawful for John Garrison of the town of Phillipstown, in the county of Putnam, his heirs and assigns, to set up, keep and maintain a ferry across the Hudson river, from the land of the said John Garrison in the town of Phillipstown aforesaid, between the north point of Conshook island to any convenient place on the west side of said river in the county of Orange, for the period of twelve years from and after the sixteenth day of March, one thousand eight hundred and forty-three.

Rates of ferriage. § 2. The court of common pleas of the county of Putnam, at their next session after the sixteenth day of March, one thousand eight hundred and forty-three, on the application of the said John Garrison, his heirs or assigns, and as often thereafter as they shall deem proper, shall order, direct and determine the several rates of ferriage for crossing at the said ferry, and the hours in each day that the boats of said ferry shall be kept in readiness for crossing said river.

Penalty. § 3. If the said John Garrison, his heirs or assigns, during the continuance of this act, and the time limited by the said court for boats to be kept in readiness to pass, shall unnecessarily delay, hinder or retard any person in crossing at said ferry, or shall unreasonably refuse or neglect to cross with any person, or such goods and chattels as can be conveniently transported across said river, or if the said John Garrison, his heirs or assigns, or any person employed by him or them, shall exact or receive any greater or higher rates of ferriage for transporting persons, goods or chattels, or other things whatsoever, than shall be limited and established by the said court, the person so offending shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered with costs of suit in any court having cognizance thereof, by any person who shall sue for the same.

Penalty. § 4. If any person other than the said John Garrison, his heirs or assigns, shall, after the said John Garrison shall have furnished himself with the necessary boats for the said ferry, and whilst the same are continued, and after the said court shall have settled the rates of ferriage, transport any person or persons, goods or chattels across the said Hudson river for hire, or pay any boat for the purpose of such transportation between the north point of Constitution island and the north

point of Conshook island, such person or persons shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered with costs of suit, in any court having cognizance thereof, by any person who shall sue for the same ; but nothing herein contained, shall be so construed as to prevent any person from transporting himself, his family, goods and chattels or effects in his own boat, within the limits aforesaid without paying anything therefor.

§ 5. If it shall appear at any time to said court, upon sufficient evidence, that the said John Garrison, his heirs or assigns, shall refuse or neglect to comply with the true intent and meaning of this act, in keeping and maintaining said ferry, it shall and may be lawful for the said court to adjudge and determine that the said John Garrison, his heirs or assigns have forfeited all right under this act, and thereupon this act shall cease and become void. Penalty.

CHAP. 62.

AN ACT to extend the time for the collection of taxes in the town of Canajoharie.

[Passed April 8, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. If the collector of taxes in the town of Canajoharie, in the county of Montgomery, shall, by the first day of March next, pay over all moneys by him previously collected, and renew his security to the satisfaction of the supervisor of said town, or in his absence, of the town clerk thereof, the time for the collection and making final returns of taxes in said town is hereby extended to the first day of April next. Time extended.

§ 2. This act shall take effect immediately.

CHAP. 63.

AN ACT to authorize the supervisors of the county of Onondaga to sell a part of the poor house farm in said county.

[Passed March 8, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The board of supervisors of the county of Onondaga, are authorized to sell and dispose of such parts of the lands belonging to the present poor house establishment in said county as they shall deem proper, not exceeding in quantity Sale may be made.

one hundred and thirty-five acres, at such price and on such conditions as the said board shall deem advantageous to the said county.

Avails, how
to be em-
ployed.

§ 2. The securities for and the proceeds of such sale, shall be a fund under the care and management of the said board, and shall be employed in the purchase of other lands in the vicinity of said poor house, not exceeding thirty acres, and in the improvement and for the benefit of the said poor house establishment as the said board shall deem proper; and the said fund shall be securely invested from time to time, and made productive until applied as aforesaid; and the said board may, by resolution, devolve the keeping, investment and collection of the said fund on the treasurer of the said county for the time being, and allow him therefor such compensation as the said board shall deem reasonable.

§ 3. This act shall take effect immediately.

CHAP. 64.

AN ACT *to extend certain immunities to the second regiment of the first brigade of light artillery.*

[Passed March 8, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Privileges
of officers
and men.

§ 1. The act entitled "An act in relation to the first regiment of the first brigade of the New-York State Horse Artillery," passed April first, 1835, is hereby amended so as to read as follows: Every officer, non-commissioned officer, musician and private now belonging to, or who shall hereafter enlist in any troop, squadron or regiment of the first brigade of the New-York State Light (Horse) Artillery, who has served or shall hereafter serve faithfully therein, for the period of seven years, shall thereafter, at his request, be exempt from serving upon any grand or petit jury within this state.

Extended to
Westchester
Queens and
Suffolk.

§ 2. Section 4, of Title 9, of Chapter 10 of the First Part of the Revised Statutes, is hereby extended to the commissioned officers and privates, as well as to the non-commissioned officers and musicians of that part of the first brigade of New-York State Light (Horse) Artillery, which is located in the counties of Westchester, Queens and Suffolk.

§ 3. This act shall take effect immediately.

CHAP. 65.

AN ACT to change the name of Victor Joseph Miller and Constantine Miller.

[Passed March 8, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. Victor Joseph Miller of the city of New-York, may ^{State} assume the name of Victor Joseph Miller Koszowski, by which ^{changed.} name he shall hereafter be known and designated.

§ 2. Constantine Miller of the city of New-York, may ^{Name} assume the name of Constantine Miller Koszowski, by which ^{changed.} name he shall hereafter be known and designated.

CHAP. 66.

AN ACT to convey certain lands to Elizabeth Einstein.

[Passed March 8, 1842, by a two-third vote.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. On the payment by Elizabeth Einstein, formerly Elizabeth Burhing, wife of John Burhing deceased, of the costs and charges incurred by the people of this state, in an action of ejectment against Benjamin Hays, by which a certain escheated farm or tract of land situated in the town of Sheldon, and county of Wyoming, being the middle part of lot number thirty-one, township number nine and fourth range of townships; and also the middle part of lot (number thirty-two in same township and range, containing in the whole about two hundred and forty acres of land, became the property of the people of this state; the Attorney-General is directed to execute a deed of release and conveyance of the title of the state to the said Elizabeth, of the farm or tracts of land aforesaid, to her heirs or assigns; and on payment of the costs and charges as aforesaid, and on the execution of such deed, all the right, title and interest of the people of the state of New-York is hereby released to the said Elizabeth Einstein, who is authorized to take, hold and dispose of the same as if she was a citizen of the United States. ^{On payment of costs, release to be executed by Attorney-General.}

§ 2. This act shall take effect immediately.

CHAP. 67.

AN ACT to confirm the official acts of *Sylvanus Larned*, a justice of the peace in and for the county of *Tompkins*.

[Passed March 8, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Official acts confirmed.

§ 1. All proceedings which have been had by and before *Sylvanus Larned*, a justice of the peace of the town of *Groton* in the county of *Tompkins*, since the third day of April, in the year one thousand eight hundred and thirty-eight, shall be held of the same force and validity as if the said *Sylvanus Larned* had taken the oath of office within the time and in the manner prescribed by law and the constitution of this state.

Liabilities and forfeitures remitted.

§ 2. All the liabilities and forfeitures incurred by the said *Sylvanus Larned* for having executed any of the duties and functions of the said office without having taken the said oath, are hereby remitted.

Saving clause.

§ 3. This act shall not affect the right of any party in any suits or legal proceedings which may have been had or commenced in consequence of the invalidity of any proceedings had by or before the said *Larned* as such justice of the peace aforesaid.

§ 3. This act shall take effect immediately.

CHAP. 68.

AN ACT to divide the town of *Great Valley*, in the county of *Cattaraugus*.

[Passed March 9, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Town of Carrollton erected.

§ 1. All that part of the town of *Great Valley*, lying in the first township and the south half of the second township and sixth range of townships, according to the *Holland Land Company* survey, shall be erected into a separate town by the name of *Carrollton*; and the first town meeting shall be held at the present dwelling house of *Frederick E. Perkins*, on the last Tuesday in May, one thousand eight hundred and forty-two; and annually thereafter, the said town meeting shall be held on the last Tuesday in February, at such place as a majority of the electors of said town shall fix upon, in pursuance of the *Revised Statutes*.

Great Valley to remain.

§ 2. All the remaining part of said town of *Great Valley* shall be and remain a separate town, by the name of *Grea*

Valley, and the next town meeting shall be held at the school house in school district number two in said town, on the last Tuesday in February, one thousand eight hundred and forty-three; and annually thereafter, the said town meeting shall be held on the last Tuesday in February, at such place as a majority of the electors of said town shall fix upon in pursuance of the Revised Statutes.

§ 3. This act shall take effect on the first Tuesday in May next.

CHAP. 69.

AN ACT to amend an act entitled "An act authorizing a loan to the county of Orange for the rebuilding of the court house and jail at Goshen, and the building of a court house at Newburgh," passed April 1, 1841.

[Passed March 12, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. Section fourth of the act entitled "An act authorizing a loan to the county of Orange for the rebuilding the court house and jail at Goshen, and the building a court house at Newburgh," passed April 1, 1841, is hereby amended so as to read as follows: During the erection of the new jail at Goshen and until the same shall be completed, it shall be lawful for the sheriff of the county of Orange to use the jails of the counties of Rockland, Dutchess and Sullivan, or the county poor house of Orange county, or the cells in the court house at Newburgh, or either of them, as the jail of the county of Orange. Prisoners, where to be confined.

§ 2. This act shall take effect immediately.

CHAP. 70.

AN ACT to extend the time for the collection of taxes in the town of Rome.

[Passed March 14, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. If the collector of taxes of the town of Rome, in the county of Oneida, shall, within ten days after the passage of this act, renew his security to the satisfaction of the supervisor of said town, and pay over the moneys by him collected, Time extended.

the time for the collection and making final returns of taxes in said town is hereby extended to the first day of April next.

§ 2. This act shall take effect immediately.

CHAP. 71.

AN ACT to confirm the official acts of Levi Ray, Junior, a justice of the peace.

[Passed March 15, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Official acts confirmed.

§ 1. All the proceedings which have been by and before Levi Ray junior, as a justice of the peace [of the town of Norwich in the county of Chenango, and all official acts done by him since the first day of January one thousand eight hundred and forty, shall be held to be of the same force and validity as if the said Levi Ray junior, had taken the oath of office in the manner and within the time prescribed by law.

Liabilities and forfeitures remitted.

§ 2. All liabilities and forfeitures incurred by the said Levi Ray junior, for having executed any of the duties of the said office of justice of the peace without having taken the oath of office in the manner and within the time prescribed by law, are hereby remitted.

Saving clause.

§ 3. This act shall not affect the right of any party to any suit or legal proceedings which may have been had or commenced in consequence of the invalidity of any proceedings before the said justice previous to its passage.

§ 4. This act shall take effect immediately.

CHAP. 72.

AN ACT to amend and continue in force an act passed April 14, 1832, entitled "An act to amend and continue in force an act entitled an 'Act to authorize the erection of a tollgate on the great road leading from Plattsburgh to Chateaugay four corners, and for other purposes,' passed February 14, 1823."

[Passed March 15, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Act continued for ten years.

§ 1. The act entitled "An act to amend and continue in force an act to authorize the erection of a toll gate on the great road leading from Plattsburgh to Chateaugay four corners, and for other purposes," passed April 14, 1832, shall be and is

heraby extended and continued in force for the term of ten years from and after the passage of this act, with the exception of the eighth section thereof.

CHAP. 73.

AN ACT to authorize the board of supervisors of the county of Putnam, to sell certain real estate.

[Passed March 15, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The supervisors of the county of Putnam or a majority of them, are hereby authorized and empowered to sell and convey the court house of said county and land pertaining thereto, or such part or parts thereof as a majority of said supervisors shall deem advisable, and the proceeds thereof to be applied to the erection of a new court house in the village of Carmel. Court house and lot may be sold.

§ 2. A deed executed by a majority of said supervisors for the court house and land hereby authorized to be sold, shall be valid and effectual in conveying the title of the county thereto. Deed to be executed.

§ 3. This act shall take effect immediately.

CHAP. 74.

AN ACT to incorporate the village of Chittenango.

[Passed March 15, 1842, by a two-third vote.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The territory in the town of Sullivan, county of Madison, contained in the following limits, to wit :

Beginning at the head of the aqueduct on the south side of the Seneca turnpike near the watering trough east of Chittenango, and running from thence northerly so as to intersect the southern route of the proposed enlarged Erie canal, as now surveyed six hundred feet east of where said enlarged canal crosses the highway leading from Chittenango to Chittenango Landing, to a stake and stone two hundred feet north of said proposed enlarged canal, to the east bank of the Chittenango creek ; from thence a southerly course to the centre of the north branch of the Seneca turnpike road, where the old salt spring road so called, intersects said turnpike ; thence westerly in the centre of the said salt spring road to the line between John Sickles and Jehn B. Yates ; from thence a southerly Bounds of village.

Corporation
created.

course to the southwest corner of a lot formerly owned and occupied by William Metcalf; and from thence an easterly course on the south line of said Metcalf's lot to the road leading from Chittenango; from thence easterly to a stake standing at the old potash near the road leading from Chittenango to Perrysville; and from thence to the place of beginning; shall be known and distinguished by the name of "Chittenango;" and the freeholders and inhabitants residing, or who may hereafter reside within the limits aforesaid, are hereby constituted a body corporate and politic, by the name of "The Trustees of the village of Chittenango."

First meeting of inhabitants, how to be called.

§ 2. The first meeting of the inhabitants qualified by law to vote at town meetings, residing in said county, shall be called by a justice of the peace residing in said village, or in case of his absence or inability, or neglect to call such meeting, by the justice residing nearest to said village, by giving notice thereof for the same time, and published in the same manner as required by the fourth section of this act; and the justice calling such meeting shall preside thereat as president thereof, and said meeting shall be conducted in all respects, and the said inhabitants shall in all respects have the same powers and no others at said meeting, that are prescribed for annual meetings in this act.

Annual
meeting.

§ 3. The inhabitants qualified by law to vote at town meetings, and residing within the aforesaid limits, shall meet on the first Tuesday of April in each year, at the hour and place to be designated by said inhabitants at their last preceding annual meeting, and if none be designated, then at such hour and place as the trustees may appoint.

Notice to be
given.

§ 4. Fifteen days' previous notice of the time and place of holding said meeting, or any special meeting, shall be given by putting up a notice thereof, signed by the clerk or any trustee, at four or more public places in said village, and publishing a copy thereof at least two weeks in any newspaper printed therein.

Officers to
be elected.

§ 5. At each annual meeting of the said inhabitants, they shall elect by ballot five trustees, three assessors, one clerk, one collector, one treasurer, and three fire-wardens, who shall be residents of said village, and entitled to vote therein, who shall respectively hold their offices until the next annual meeting, and until others are chosen in their places, and shall have given notice of their acceptance.

Persons entitled to vote

§ 6. The president of said village, or in his absence, any one of the trustees shall preside at each meeting of the inhabitants thereof; and no person shall be entitled to vote at annual or special meetings of the inhabitants on any question in relation to the raising or appropriating moneys in said village, if he shall not have been an inhabitant thereof for the last six months, and immediately preceding the offering of such vote and otherwise qualified to vote at town meetings.

§ 7. The inhabitants of said village qualified to vote for the raising of moneys, shall have power at any annual or special meeting to direct the raising by tax of such sums, not exceeding four hundred dollars annually, as they may deem necessary to carry into effect the intent and provisions of this act; but no such tax shall be raised at a special meeting, unless the intention of so doing shall be expressed in the notice calling the same. The said inhabitants also, at any annual meeting may raise by tax, in addition to said sum of four hundred dollars, such sum as they may think proper for the then ensuing year, for the purpose of affording to the trustees, assessors, clerk, treasurer, and fire wardens, or any of them, such suitable compensation for their services, not exceeding one dollar per day, for the time they may be employed in the business of said corporation, as a majority of such inhabitants may think fit.

Money may
be raised by
tax.

§ 8. All officers except trustees, who shall be chosen and elected in said village, shall be immediately notified by the clerk, and within ten days after such notice shall signify in writing, to be filed with the clerk, their acceptance of the office designated; and in case of refusal, neglect or inability to comply with this provision, or removal from said village, then such office or offices shall be deemed vacant, so far only as to authorize the same to be filled as prescribed in this act; and such vacancy or vacancies may be filled at any special meeting, in the notice for calling which the intention of filling such vacancy or vacancies as the same shall have been stated; and until such office or offices be so filled, and the person or persons elected or appointed shall have given notice of his or their acceptance, the powers and duties of such office or offices shall belong to, and be exercised by, the predecessor or predecessors in office of the person or persons so neglecting to file his or their acceptance, or who may have removed from said village as aforesaid.

Officers to be
notified of
their election
within
10 days.

§ 9. It shall be the duty of the trustees immediately upon their election to meet and elect one from their number a president for said village, who shall preside at their meetings; to hold stated meetings at the times prescribed by the by-laws, and special meetings when called in the manner prescribed by said by-laws; to call special meetings of the inhabitants whenever it may be necessary in the opinion of a majority, either to fill vacancies in office or to raise a tax; to appoint one inspector of wood, one weigh-master and one pound-master, who shall each be inhabitants of said village, and shall hold their offices until others are appointed; to publish the by-laws, rules, regulations and ordinances they shall from time to time ordain and make, for at least two weeks in any newspaper that may be published in said village, and to give public notice of the same by posting copies thereof in four or more public places in said village; to sue for and recover all penalties incurred under this act and their by-laws, and generally to exercise and carry into

Trustees to
elect a president.
His
duties.

effect for the good order and well regulating of said village, all powers with which they are invested by this act.

Power of
trustees.
Police regu-
lations.

§ 10. The trustees shall have power,

1. To appoint one of their number to preside at any meetings either of the inhabitants or themselves in the absence of the president.

2. To purchase and hold such real estate as may be necessary for the location and erection of engine houses, hay scales, markets and pounds; to take the charge and supervision of the cemetery in said village, and to appoint any person or persons to take the supervision thereof; and when directed by any meeting to purchase or receive for the use of such village such other grounds for such purposes as shall be directed by such meeting.

3. To purchase fire engines and other usual and necessary apparatus and implements for extinguishing fires, and to erect houses for the safe keeping thereof, when authorized by a vote of the corporation.

4. To organize and provide for the government, duties and exercise of fire companies and hook and ladder companies.

5. To inspect, or cause to be inspected, fireplaces, chimneys, stoves and stove pipes, and to cause the same to be put and kept in safe condition, and to enter and cause others to enter houses and other buildings for such purposes at all proper times.

6. To compel the inhabitants of said village to keep fire buckets, and to keep their ashes in safe places.

7. To prescribe the powers and duties of fire wardens.

8. To provide for the digging of wells and public sewers and drains, and the making of aqueducts, cisterns and reservoirs.

9. To purchase and erect hay scales when authorized by a vote of the corporation, and regulate the manner and price of weighing hay and other articles, and to appoint one weigh-master, who shall hold the office during their pleasure.

10. To appoint one inspector of wood in said village to regulate the mode of measuring and inspecting wood and the fees for doing it, and the manner of their payment.

11. To prevent and remove obstructions in the streets and upon the sidewalks, and to provide for the draining, filling up, paving and flagging of sidewalks.

12. To prevent immoderate and improper riding and driving, and the discharge of firearms and crackers, and the burning of powder within the limits of said village.

13. To restrain the running at large, in such village, of cattle, horses, sheep, swine, and all other animals, and to erect a pound in said village, appoint a pound-master, and prescribe his fees and duties.

14. To control the location of slaughter houses, and prevent and abate nuisances within the limits of the said village.

15. To provide for the safe keeping and repairing of the property of said corporation ; and to provide for the keeping the park, commons, and other grounds of said village in good order, and to enact and enforce penalties for injury done to trees and shubbery standing in the park, commons or other grounds of said village.

16. To restrain within the bounds of the said village, in such manner as they may deem proper, not inconsistent with existing laws, the exhibition of any show, caravan, circus, theatre, or of any natural or artificial curiosity for money, provided that they shall in no case permit such exhibition, unless upon the payment to the treasurer, for the use of the corporation, a sum not less than one dollar nor more than twenty-five dollars for each exhibition.

17. To fill all vacancies in the offices, the appointment to which is given to them.

18. To direct the time within which the assessors of said village shall complete the assessment roll, and to correct the same on appeal.

19. To require of the collector and treasurer of said village, such security for the faithful performance of their respective duties, as they may think proper.

20. To prescribe the manner of drawing moneys from the hands of the treasurer.

21. To issue warrants under their hands for the collection of taxes, to renew the same for any tax not collected, and to direct the time, not less than thirty nor more than sixty days, within which the collector shall collect and pay over the same.

22. To make, ordain, alter, amend and repeal all such by laws, rules, regulations and ordinances as may be necessary to carry into effect the intent and provisions of this act ; which by-laws, rules, regulations and ordinances shall take effect at eight days after their first publication.

23. To prescribe and ordain suitable fines, penalties and forfeitures for offending against such by-laws, rules, regulations and ordinances, and the provisions of this act, not exceeding twenty-five dollars for one offence, and to remit such fines, penalties and forfeitures, wholly or in part.

§ 11. Every fine, penalty and forfeiture incurred for any offence against the by-laws of said village, or any of the provisions of this act, or any or either of them, shall be sued for Fines and penalties, how to be recovered. and recovered by the trustees in the name of the corporation, in an action of debt or other appropriate action, before any justice of the peace having jurisdiction thereof, in which action it shall be sufficient for the parties to declare and plead generally, as provided in Article first, Title sixth, Chapter eight of the Third Part of the Revised Statutes ; and under such pleadings, to give the special matter in evidence ; and no

inhabitant of said village shall for that cause be incompetent to act as justice, juror, witness or constable, in any such suit. Such fines, penalties and forfeitures, shall be paid to the treasurer of said village for the use thereof, within ten days after being collected.

Accounts to
be kept.

§ 12. The trustees shall keep an accurate account of their expenses and disbursements, and of all moneys received and paid by them during their continuance in office; and shall, at every annual meeting, either in person or by their treasurer, prepare and state the account of the current year, in writing, to be filed with the clerk; and if a balance remain in their hands, or the hands of their treasurer, he, or they, as the case may be, shall pay the same over to his or their successor or successors.

Firemen.

§ 13. The trustees may appoint the members of one fire company not exceeding twenty-five men for each engine, not exceeding two, possessed and kept in repair by said village, and one hook and ladder company to each engine; said hook and ladder companies to consist of no more than ten persons each; the persons so appointed during the time they continue to be actual members of either of said companies, and inhabitants of said village, shall be exempt from doing military duty, except in case of war, invasion or insurrection. The evidence of the right to such exemption shall be a certificate signed by the president or clerk, and made and dated within six months previous to the time when such duty or service might otherwise be required.

Clerk.

§ 14. The clerk shall have the custody of the records, books and papers of the corporation, and shall file and preserve all papers delivered to him for that purpose; he shall attend all the meetings of the inhabitants of the said village, and of the trustees, and record the proceedings of such meeting in a book or books, to be kept for that purpose; and he shall keep a poll-list of the names of persons voting at any election for officers; and in case of his absence from any meeting, the trustees or a majority of them shall appoint some suitable person to perform the duties of his office for that time only.

Treasurer.

§ 15. The treasurer shall give such security for the faithful performance of the duties of his office as the trustees shall require; he shall receive all moneys belonging to the corporation, and pay the same over in the manner directed by the trustees; he shall keep an accurate and just account of all receipts and disbursements, and account for such moneys to the inhabitants of said village at their annual meeting, in writing, to be filed with the clerk, and to the trustees whenever required by them.

Assessors.

§ 16. Whenever the inhabitants of said village by a vote taken as hereinbefore prescribed, shall have directed the raising of any sum or sums of money by tax, the assessors of said village shall within such time as the trustees shall have direct-

ed, make out a tax list thereof, in which they shall insert the names of all the taxable inhabitants of said village, and the names, so far as they can be ascertained, of non-residents, who shall own real estate situate therein; the quantity of real estate situate in said village, and the value of the real and personal taxable property of the inhabitants of said village, and the description, quantity and value of the taxable real estate situate therein, belonging to such non-residents, and they shall apportion the sum or sums to be raised by such tax on such inhabitants and non residents, in due proportion to the valuation of such property, and the relative advantages to be derived by the persons so taxed, whether residents or non-residents, from the completion of the object for which such tax shall be raised; but all sums raised for draining, filling up, repairing, paving and flagging streets, alleys, lanes or sidewalks, shall be assessed and collected upon lots and premises immediately adjacent thereto, and upon no other; and no farming lands, or lands not adjudged by the assessors or on appeal by the trustees of said village to be used for village purposes, shall be assessed for raising any tax whatever in said village.

§ 17. Whenever the assessors shall have completed a tax list for any purpose whatever, they shall deliver the same to the president of the corporation, or in his absence to the clerk; such president or clerk shall immediately cause written or printed notices to be put up at four or more public places in said village, of the completion of such tax list, and shall specify in such notice the time and place at which the trustees will meet to hear appeals from the doings of the assessors, which time shall not be less than ten days from that of putting up said notices; all persons to be effected by such tax shall have the privilege at all reasonable times, at or previous to such meeting of the trustees, to examine such tax list, and to appeal therefrom to such trustees at the time and place mentioned in such notices, and at such other times and places as the trustees shall appoint; the said trustees shall meet, and on any such appeal being made shall have power to alter and correct such tax list as they shall deem just and equitable.

Notice to be given when tax list is completed.

§ 18. When such tax list shall be fully completed, the said trustees shall forthwith cause a copy thereof to be delivered to the clerk of said village, and another copy thereof with the warrant annexed thereto, for the collection of the taxes therein mentioned, to the collector of said village.

Copies to be given to clerk and collector.

§ 19. The collector shall give such security for the faithful performance of the duties of his office as shall be required by the trustees upon receiving any tax list and warrant; he shall collect and pay over to the treasurer the taxes mentioned in such list, retaining his fees for collection, which shall be five per cent on the sum collected within the time specified in the warrant therefor, or within such further time as shall be al-

Collector to give security.

lowed by the trustees. In the collection of taxes he shall have the like authority, and proceed in the same manner as collectors for towns.

Persons liable to pay taxes.

§ 20. The persons in possession of real estate shall be liable to pay the taxes assessed thereon, and may collect the amount from the owner or other persons who by agreement or otherwise ought to pay the same.

Return to be made of taxes not collected.

§ 21. In case any of said taxes shall not be collected; the collector, at the expiration of the time mentioned in the warrant, shall return to the said trustees, together with the warrant, a statement of all the taxes not collected, and the reasons of the failure, containing the names of the delinquents and a description of the property, and the amount of the tax as in the tax roll; which return shall be verified by the affidavit of the collector delivered therewith; and if no property liable to execution can be found, out of which any tax may be collected, the trustees of said village shall have power to collect the same of the person liable for the payment thereof by suit before any justice of the peace of said village or of the town in which the same is situated.

Taxes levied to be a lien on real estate, and the same may be sold for such tax.

§ 22. All taxes levied by virtue of this act shall be a lien upon the real estate upon which they are charged, and the trustees on the return of the collector as mentioned in the last section, may, when such taxes with interest, shall have amounted to the sum of five dollars, order him to advertise and sell such real estate, or any part thereof, for the payment of such tax. On receiving such order in writing, the collector shall advertise and sell such real estate as it may designate, by first giving six weeks notice in a public newspaper printed in the county of Madison, and posting a printed copy of said notice in four or more public places in said village, of the time and place of sale, the person against whom the taxes, to pay which it is sold, are assessed, their amount respectively, the times when levied, their general object and the property against which they are charged, at the time mentioned in the notice; the real estate so advertised shall be sold under the directions of the treasurer by the collector, who shall act as auctioneer, or in case of his absence or refusal to attend, by such person as may be appointed by the treasurer; and said real estate shall be sold for the shortest time for which any person will purchase the same and pay the assessment and the costs of such sale, which cost shall in no case exceed five dollars.

Six months allowed to redeem lands.

§ 23. If the owner or owners of such real estate shall not, within six months after such sale, pay, or cause to be paid, such assessment and costs of such advertisement and sale and interest thereon, at ten per cent, the trustees shall give to the purchaser a certificate of such sale under the seal of said village, and file a duplicate thereof with the clerk, and also with the clerk of the county; and such purchaser, his executors

and administrators or assigns, shall, by virtue thereof, hold and enjoy the same for his and their proper use, for such time or term of years against the owner or owners thereof, and all claiming under him or them; provided, however, that at the expiration of such time or term, the purchaser and all claiming under him or them shall be at liberty to remove all fixtures and buildings which he or they shall have erected or placed thereon, at any time within one week after the expiration of such time or term, and shall have lawful right to enter upon such real estate for that purpose.

§ 24. Every person not qualified as required by the foregoing third and sixth sections of this act, who shall vote contrary to the provisions of either of those sections, shall forfeit and pay five dollars for every such offence. Penalty for voting contrary to law.

§ 25. The said corporation shall enjoy the powers and privileges and be subject to the restrictions contained in the third Title of the eighteenth Chapter of Part first of the Revised Statutes, so far as the same may be applicable to it. General powers.

§ 26. The Legislature may at any time alter, amend or repeal this act. Right to repeal.

§ 27. This act shall take effect on the first Tuesday in April next, but the notice of the first meeting according to the provisions of this act, may be given before that day, and such notice shall be sufficient. Act when to take effect.

CHAP. 75.

AN ACT to extend the time for collecting the taxes in the town of Fallsburgh in Sullivan county, and for other purposes.

[Passed March 15, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The time for collecting the taxes for the town of Fallsburgh in the county of Sullivan, is hereby extended to the tenth day of April next, if the collector of said town shall pay over the money by him collected, and renew his security to the satisfaction of the supervisor of said town. Time extended.

§ 2. The assessment upon the real and personal estate of the late Anthony Hasbrouck, having been erroneously charged in the assessment roll to the estate of Anthony Hasbrouck without naming the heirs, occupants, administrators or representatives; the supervisor of said town is authorized to correct said roll by charging so much of said assessment as was made upon the personal property of said Hasbrouck deceased, to Rachel Hasbrouck, the administratrix, and Obadiah H. Bush and Edward Young, the administrators of said estate, Assessment on A. Hasbrouck's estate to be corrected.

and by charging so much of said assessment as was made upon the real estate of said Hasbrouck to the said Rachel Hasbrouck and Edward Young, the occupants thereof. Provided that notice of said assessment be given by the collector to the said administratrix and administrator or one of them, and to said occupants, and that the said administratrix and administrator or either of them, (and the said occupants) may, at any time within five days thereafter, go before the supervisor and make affidavit of the value of said personal estate, and the said occupants or either of them, may at any time within five days thereafter go before said supervisor and make affidavit of the value of said real estate. And the said supervisor shall value said real and personal estate at the sums specified in such affidavits as provided in the Revised Statutes, Part 1, Chapter 13, Title 2, Article 2, respecting assessors of taxes. And the said supervisor shall have power to reduce the sum heretofore assessed upon said property by the assessors in proportion to the reduction of the valuation, and the said assessments thus altered and finally adjusted by the supervisor, may be collected in manner now provided by law for collecting taxes out of any personal property left by the said Anthony Hasbrouck.

CHAP. 76.

AN ACT to amend the several laws relating to the highway labor and road districts of the village of Little-Falls.

[Passed March 16, 1842.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Road district altered.

§ 1. The act entitled "An act to form a road district from the village of Little-Falls to the state road in Salisbury, and the act amending the same," are hereby amended as follows :

There shall be included in the road district specified in said act, so much of the road leading from the village of Little-Falls into the town of Manheim, past the house of Henry Ritter, as is contained within the corporate limits of the village of Little-Falls, and all the farms and tenements and the occupants thereof adjoining the same.

Part of new road to be in road district.

§ 2. Whenever the new road laid out under the authority of the board of supervisors, which intersect the road specified in the acts hereby amended, on the farm of the late John Bellinger, and leads thence to Fairfield, shall be opened by the proper authorities, so much thereof as lies in the towns of Little-Falls and Manheim, and the farms and tenements adjoining the same, shall be included in and become a part of the road district described in said acts.

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§ 3. The assessments for highway labor on corporations within the village of Little-Falls, shall be applied under the direction of the commissioners of highways of the said town of Little-Falls, for the improvement of the roads and bridges in the several road districts of said town, including the district created by the said acts hereby amended. Assessments on corporations in village, how to be applied.

§ 4. Nothing in this act or in the acts hereby amended, shall be construed to limit or restrict the power heretofore vested in the trustees of the village of Little-Falls to direct and control the expenditure of one half part of the highway labor assessed within said village for the improvement of any streets, roads or bridges within the corporate limits thereof. Saving clause.

CHAP. 77.

AN ACT *authorizing Sylvester Hoar and the family to change their name.*

Passed March 16, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. Sylvester Hoar of the city of Rochester, in the county of Monroe, may assume and take the surname of Homer, and after the passage of this act he shall be called and known by the name of Sylvester Homer, and the family of the said Sylvester shall be known by the name of Homer. Names changed to Homer.

CHAP. 78.

AN ACT *to raise money for the construction and repairs of bridges in the city of Utica.*

Passed March 17, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The common council of the city of Utica, are hereby authorized to raise by assessment upon the real and personal property owned in said city, during the present year, the following sums of money for the building and repairing of bridges in the manner now provided by law, for raising taxes in said city, in addition to the amount now authorized by law to be raised for that purpose, such a sum as will be necessary to defray one half of the expense of constructing the bridge over the Mohawk river at the foot of Bridge-street, not exceeding ten hundred and fifty dollars, and also such sum as will be ne- Money to be raised by tax.

cessary to rebuild the bridge over the public basin at Broadstreet, not exceeding twenty-five hundred dollars; and also such a sum as will be necessary to repair the present, or construct a new bridge over the Mohawk river at the foot of Genesee-street, not exceeding fifteen hundred dollars.

§ 2. This act shall take effect immediately.

CHAP. 79.

AN ACT to confirm the official acts of George Paddock as constable.

Passed March 17, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Official acts confirmed.

§ 1. All the official acts of George Paddock, 2nd, by him performed as constable of the town of Western, in the county of Oneida, since his appointment to that office on the first Tuesday of February instant, shall be held to be of the same force and validity as if the said George Paddock had, before performing such official acts, taken and filed the oath of office at the time and in the manner prescribed by law.

Saving clause.

§ 2. Nothing herein contained shall affect any action or suit now pending.

§ 3. This act shall take effect immediately.

CHAP. 80.

AN ACT in relation to the organization of the Attica and Buffalo Railroad Company.

Passed March 17, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Acts confirmed.

§ 1. The acts and proceedings of the commissioners named in the act entitled "An act to provide for the construction of a railroad from Attica to Buffalo," passed May 3, 1836, in receiving subscriptions to the capital stock of the Attica and Buffalo Railroad Company, are hereby confirmed and declared to be of full force and validity.

Right to repeal.

§ 2. The Legislature may at any time alter, amend or repeal this act.

§ 3. This act shall take effect immediately.

CHAP. 81.

AN ACT *authorizing the board of supervisors of the county of Lewis to restore the distinction between county and town poor.*

Passed March 17, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The board of supervisors of the county of Lewis, at any annual meeting, or at any special meeting called for that purpose, may determine to restore the distinction between county poor and town poor, in their said county ; and upon their filing such determination duly certified by the clerk of the said board with the county clerk, the said poor shall be maintained, and the expense thereof defrayed in the same manner as is now provided by law for the maintaining the poor in those counties in which the distinction between county and town poor prevails.

Distinction between county and town poor may be restored.

§ 2. When the supervisors of the said county shall have determined to restore the distinction between county and town poor, the clerk of the board of supervisors shall serve a copy of the resolution making such determination, upon the clerk of each town within said county, and upon the superintendents of the poor of said county.

If restored, notice thereof how to be given.

§ 3. After such resolution shall be served, the excise money collected in any town within said county, and all penalties given by law to the overseers of the poor, when received shall be applied to the use of the poor of the town in which such money and penalties shall be collected ; and all officers or persons into whose hands the said moneys or penalties shall come, shall pay the same to the overseers of the poor of the town to which they shall belong.

Excise money and fines, how applied.

CHAP. 82.

AN ACT *to amend an act entitled "An act for the better repairing certain roads in the town of Coeymans," passed May 2, 1837.*

Passed March 19, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The following road districts, numbers one, five and seventeen, (including about four miles of road) in said town of Coeymans, for the term of five years from the second day of May next succeeding the passage of this act, are hereby con-

Road district constituted.

stituted into one separate road district; the above named districts to comprise all that part of the public highway intersecting and lying east of the New-Baltimore and Rensselaerville turnpike road, to be called the Coeymans road district, with all the rights, powers and privileges by law attached, subject to the regulations and laws existing in regard to any road district except as herein otherwise provided.

Road, how
to be work-
ed.

§ 2. It shall be the duty of the commissioners of highways of said town to assess the several inhabitants residing in the districts constituted by this act, in the same manner and upon the same principles and within the same time in which they are now assessed, to work upon the roads embraced in said district, except that the assessment made by virtue of this act, shall be for money instead of labor, and at the rate of fifty cents per day for the day's work now required; and all the inhabitants liable to be assessed for labor, shall be assessed for money under this act, and the said commissioners shall deliver over to the path master to be chosen under this act, such assessment roll at the same time now required by law.

Overseer
and collector
to be elect-
ed.

§ 3. It shall be the duty of the inhabitants of the district formed by this act liable to be assessed therein, at each and every annual town meeting, to elect one overseer and collector; such election shall in all respects be conducted in the same manner, subject to the same laws and regulations provided for town elections.

Collector to
act as treas-
urer.

§ 4. The moneys hereby authorized to be collected shall be held by the collector, who shall constitute a treasury department of said district; the said treasurer shall keep an accurate and just account of all moneys by him received and disbursed, and shall pay out of such moneys by him collected, all bills made payable to the order of the overseer of said district; which bill shall particularize the items composing such bill. It shall be the duty of the overseer of the said road to keep a just and accurate account of all expenses incurred by virtue of this act on said road, and see that the moneys collected are faithfully and judiciously expended in making repairs on said road; and he shall, on or before the first day of March in each year, make a full and complete return to the commissioners of highways of all the expenditures made by him as overseer on said road, together with an inventory of all property belonging to said district, which property shall be lodged in the hands of the treasurer immediately after closing the summer's labor on said road, to be kept for the use of said road; and if the overseer shall refuse or neglect to comply with any of the provisions of this act, he shall forfeit and be held in the sum of fifty dollars to the use of said district, to be sued for by the commissioners in the name of the district in an action of debt or assumpsit before any court having cognizance thereof.

Overseer to
keep ac-
count.

§ 5. The commissioners, at the time of making out the assessment, shall determine and regulate the compensation of the overseer of said district, which in no case shall exceed one dollar per day, actually employed in the business entrusted to him by this act; and the overseer shall, and is by this act, authorized in the name and upon the responsibility of the treasury department, to make and execute all contracts necessary to perform the duties imposed by virtue of this act, provided such contracts (including compensation of overseer) shall not exceed the funds of the treasury.

Compensation of overseer.

§ 6. The collector under this act is authorized and required to collect the assessments imposed under this act, in the same manner and with the same powers and privileges as the collector in any town of this state, and shall be allowed five per cent on all moneys by him collected; and it shall be the duty of the collector to collect the said assessments by the first day of October in each and every year; and he shall, within twelve days after notice of his election, give a bond to and in the name of the commissioners of highways, in the penalty of five hundred dollars with sureties, to be approved by said commissioners, conditioned that he will pay over all moneys by him to be collected by the time and in the manner by this act specified, which bond shall be filed in the office of the town clerk of said town; and if the said collector shall refuse or neglect to pay over any moneys by him collected, it shall be the duty of the commissioners to prosecute the bonds of the said collector before any court having cognizance thereof, and whatever sum may be collected by such process shall be held by the commissioners, subject to the order of the overseer, which order shall be made in the same manner as if made on the treasury.

Power and duty of collector.

§ 7. It shall be the duty of the overseer within twenty days after notice of his election, and of the assessment roll from the commissioners of highways, to add to and place upon such roll, and assess in the same manner and upon the same principles, of money instead of labor, as if said assessment was made by said commissioners. All inhabitants residing within his district liable to be assessed under this act, and who have been omitted to be assessed by said commissioners, and within said twenty days to deliver said assessment roll with his additions, if any, and his signature thereto, to the said commissioners of highways, whose duty it shall be to file a true copy thereof in the office of said town clerk, and forthwith to deliver the original assessment roll to the collector; and such assessment roll signed by the commissioners, and the additions by the overseer, shall be the authority and warrant of said collector, and shall be of the same force and authority as the warrant of a collector of taxes to collect the moneys therein specified, of the several persons in said roll or rolls assessed and set opposite his name.

Duty of overseer.

Accounts,
how audited.

§ 8. The commissioners of highways, together with the collector of said district shall, on the day of auditing town accounts, meet the board of town auditors, and there have their accounts audited by the board in the same manner and form of auditing said town accounts; and if on examination of said accounts, there shall be found a balance in the hands of the collector or commissioners, or any one of them by reason of the operation of this act, it shall be paid over to the succeeding collector within ten days after his giving the sureties required by this act, and if either the commissioner or collector in whose hands said balance was at the time of auditing, shall refuse or neglect to pay over such balance, the collector is hereby authorized to sue in the name and for the benefit of said district, in an action of debt or assumpsit, before any court having cognizance thereof; and if the collector shall refuse or neglect to collect such balance, it shall be prima facie evidence that the said balance is in his hands, and he shall be held to pay over such balance to his successor in the same manner and form prescribed in this act for his predecessor; and if the commissioner or collector, or any one of them, having any account with said district, shall refuse or neglect to meet the town auditors and have their accounts settled, the succeeding collector shall proceed against such delinquent in the same manner as provided in the act for the collection of balances.

Duty of
town clerk.

§ 9. It shall be the duty of the town clerk to keep and enter in a book, a just and true record of all accounts of said road, and immediately after the auditing of said accounts by the town auditors, to post up in some conspicuous place where the next annual town meeting is to be held, a true amount of all moneys assessed on said district, and make out a true and just statement in account current of all the expenditures, showing the condition of said district funds, the amount collected and expended on said road.

Implements
and money,
how disposed
of on expiration
of this law.

§ 10. Whenever this act shall be abolished or discontinued, it shall be the duty of the commissioners of highways to dispose of all implements or property, and collect all balances due said district, and pay the same over to the several overseers of said districts in proportion to the amount collected on said several districts, to be applied by said overseer to the improvement of his road district; and if the commissioners shall refuse or neglect to pay over such moneys to any one of the overseers of said districts for more than thirty days from the date of making out the road list for such district and overseer; such overseer shall have the same authority to collect from the said commissioners of highways his proportional amount as is provided in the eighth section of this act for the collection of balances by the collector.

CHAP. 83.

AN ACT to enable the supervisors of the city and county of New-York, to raise money by tax.

Passed March 21, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The mayor, recorder and aldermen of the city and county of New-York, as the supervisors of the city and county of New-York, of whom the mayor or recorder shall be one, are hereby empowered, as soon as conveniently may be, after the passage of this act, to order and cause to be raised by tax on the estates real and personal, of the freeholders and inhabitants of and situate within the said city, and to be collected a sum not exceeding seven hundred and forty-six thousand dollars, to be applied towards defraying the various contingent expenses, properly chargeable to the said city and county, and such expenses as the mayor, aldermen and commonalty of the city of New-York may, in any manner sustain or be put to by law ; and also such further sum by a tax as aforesaid, as is required by law to be raised by tax in the said city for the support of common schools, and as may be necessary for supplying the deficiency of taxes upon any one and every one of the wards of the said city, imposed or laid during the year one thousand eight hundred and forty-one, owing to the insolvency of the collectors of the said wards, or any or either of them or their sureties, or their inability to collect the said tax ; and also for defraying the whole of the expenses for assessing and collecting the taxes to be raised as aforesaid, (such deficiencies, however, to be assessed on the estates real and personal, of the freeholders and inhabitants of and situated within the wards respectively, where they shall happen, as aforesaid ;) and also a further sum not exceeding two hundred and thirty-four thousand dollars by tax, on the estates real and personal, of the freeholders and inhabitants of and situated within that part of the city of New-York, which may be designated by an ordinance or resolution of the common council of the said city, as the " Watch District," to be applied towards defraying the expenses of watching and guarding such part of the said city ; and also a further sum, not exceeding the sum of one hundred and twenty thousand dollars, by a tax on the estates, real and personal, of the freeholders and inhabitants of and situated within that part of the city of New-York which may be designated by an ordinance or resolution of the said common council, as the " Lamp District," to be applied towards defraying the expenses of lighting such parts of the said city last mentioned ; and also such further sum by tax as aforesaid, as may be necessary for supplying

The sum of \$746,000 to be raised by tax.

Common school tax, &c.

Also \$234,000, watch district.

Also \$120,000, lamp district.

the deficiencies of taxes upon all that part of the city constituting the watch and lamp districts, during the year one thousand eight hundred and forty-one, owing to the insolvencies of the collectors of any of the wards of the said city, and their sureties, or their inability to collect the said tax; and also for defraying the expenses of assessing and collecting said taxes: such deficiencies, however, to be assessed upon the estates, real and personal, of the freeholders and inhabitants of and within the said wards respectively, where they shall happen as aforesaid, within the districts aforesaid.

Taxes, how
to be assessed
and collected.

§ 2. The said several sums of money shall be assessed and collected in the manner provided by law for the assessment and collection of taxes within this state, except so far as the same may be contrary to the provisions contained and referred to in the act entitled "An act respecting the collection of taxes in the city of New-York," passed April 6th, 1825, and in the act to amend the same, passed April 20, 1830; also in the fourth section of the act entitled "An act to enable the mayor, aldermen and recorder of the city of New-York, to raise money by tax," passed March 10th, 1820; also in the act entitled "An act authorizing a per centage to be added to unpaid taxes in the city of New-York," passed April 13th, 1835; and also in the act entitled "An act to amend the act respecting the collection of taxes in the city of New-York," passed April 13th, 1839, which said provisions, so far as they relate to the assessment and collection of all or any taxes in the city of New-York, are hereby declared to be in full force and effect; and each person's tax in every separate ward of the said city shall be collected in one payment, and the money so collected, shall be paid into the hands of the treasurer or chamberlain of said city, at such times and in such manner as directed by law.

CHAP. 84.

AN ACT to authorize the town of Granville, in the county of Washington, to raise money for roads and bridges.

Passed March 22, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Money to be
raised by
tax.

§ 1. Whenever the commissioners of highways in the town of Granville, in the county of Washington, shall be of opinion that the sum of two hundred and fifty dollars, as now allowed by law, will be insufficient to pay for the construction and repairs of roads and bridges in said town, already made or actually necessary to be made, the said commissioners may apply

at any town meeting, held in said town according to law, whether annual or special, for a vote authorizing such additional sum to be raised as they may deem necessary for such purposes.

§ 2. All the provisions of the seventh, eighth, ninth and tenth sections of Article first, Title two, Chapter eleven, Part first of the Revised Statutes, shall apply to this act, and be observed in the said town of Granville, except that the sum to be raised is not limited, except also that the vote to raise the money may be taken at a special as well as an annual town meeting. General provisions.

§ 3. This act shall take effect immediately.

CHAP. 85.

AN ACT to extend the terms of the courts of common pleas and general sessions of the peace of the county of Monroe.

Passed March 22, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§1. The terms of the courts of common pleas and general sessions of the peace of the county of Monroe, may be continued and held from the commencement thereof, until and including the third Saturday after the commencement of such terms ; but no process issuing out of the said courts except subpoenas and attachments shall be tested or made returnable in either of the second or third weeks of the said terms. Terms extended.

§2. This act shall take effect immediately.

CHAP. 86.

AN ACT extending the time for the collection of taxes in the town of Madrid.

Passed March 23, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. If the collector of taxes in the town of Madrid, in the county of St. Lawrence, shall renew his security to the satisfaction of the supervisor of said town, or in his absence of the town clerk, and shall pay over the moneys by him previously collected by the fifth day of April, 1842, the time for the Time extended.

collection and making the final returns of taxes in said town shall be extended to the first day of May next.

§ 2. This act shall take effect immediately.

CHAP. 87.

AN ACT to annex part of the towns of Le Roy and Stafford to the town of Pavilion, in the county of Genesee.

Passed March 23, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Part annexed to Pavilion.

§ 1. All that part of the towns of Le Roy and Stafford, in the county of Genesee, situate, lying and being within the territory following, that is to say: Beginning at the southeast corner of lot number twenty-seven of the forty thousand acre tract, and running north along the county line to the north line of said forty thousand acre tract, thence west along the north line of said tract and a part of the north line of range number six, of the Craige tract five miles and sixty rods, to the west line of the town of Le Roy; thence south along the west line of said town half a mile, thence west along the south line of range six of the Craige tract, two miles and sixty rods, to the east line of the town of Bethany, thence south along the east line of said town two miles, to the southwest corner of the town of Stafford, thence east along the south line of Stafford two miles and sixty rods, to the southeast corner of the town of Stafford, thence along the south line of Le Roy two miles and sixty rods, to the east line of said Craige tract, thence north on the east line of said tract fifty rods, to the north line of lot number four of the said forty thousand acre tract, thence east along the south line of lots number three, eleven, nineteen and twenty-seven, to the place of beginning, is hereby annexed to the town of Pavilion, in said county of Genesee; and said above described territory, and the present town of Pavilion, shall form and constitute one town, by the name of Pavilion.

Le Roy and Stafford.

§ 2. All the residue of the said towns of Le Roy and Stafford not included within the above described territory, shall retain the present name of each respectively.

§ 3. This act shall take effect immediately.

CHAP. 88.

AN ACT to amend the act entitled "An act to authorize the laying out of a road from Newkirk's Mills to Piseco village."

Passed March 23, 1842.

The people of the State of New-York represented in Senate and Assembly, do enact as follows :

§ 1. Ezra Thompson shall be sole commissioner for the making of that part of the road laid out under the act to authorize the laying out of a road from Newkirk's Mills to Piseco village, passed April 27, 1841, which lies between Piseco village and the point of the intersection of said road with the road leading from Parker's mills to Stratford, a distance of nine miles.

E. Thompson, commissioner.

§ 2. The said commissioner before receiving any of the moneys raised for the purpose of making said nine miles of road, shall give bonds to be approved by the supervisor of the town of Arietta, in the sum of four thousand dollars, for the faithful expenditure of all moneys received by him for the purpose of making said road.

To give bond

§ 3. Any collector, supervisor, commissioner, or other person who may have collected or received any moneys upon or arising from any assessment, made under the fourth section of said act, except for the aforesaid nine miles, shall, upon demand made, refund and pay over the same to the person from whom such money was collected or received in virtue of such assessment; and any person who may have paid any such assessment may recover the same by action for money had and received to his use from any other person to whom the same may have been paid, or who shall be the holder thereof, at the time a demand shall be made upon him for such repayment.

Money to be refunded.

§ 4. All that portion of said road as laid out by the commissioners appointed under said act, which lies between the intersection of said road with the road leading from Parker's mills to Stratford and Newkirk's mills is hereby declared to be a public highway; and the fourth section of said act so far as the same relates to this portion of said road is hereby repealed.

Part of road declared a public highway.

§ 5. This act shall take effect immediately.

CHAP. 89.

AN ACT to increase the annual payments on the shares of the New-York Society Library.

Passed March 24, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Increase of
annual pay-
ments.

§ 1. The trustees of the New-York Society Library are hereby authorized to demand and receive from the members of the said society on the first Tuesday of every May hereafter, the sum of two dollars, in addition to the sum which they are now authorized to demand and receive, upon each and every right or share in the said library, and the said trustees shall have the same powers and remedies for the collection of the said additional sum by forfeiture of the shares or otherwise, as they now have for the collection of the annual payment, which they are authorized to demand and receive as aforesaid.

§ 2. This act shall take effect immediately.

CHAP. 90.

AN ACT to amend the charter of the village of Owego.

Passed March 24, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Firemen to
be organized

§ 1. The trustees of the village of Owego in the county of Tioga, shall from time to time appoint and organize not exceeding twenty-five firemen to each and every fire engine purchased and owned by said village, provided the number of engines does not exceed one to every six-hundred inhabitants of said village, said firemen when organized and appointed shall be subject to the rules and regulations of the act hereby amended.

Hook and
ladder com-
pany.

§ 2. The said trustees shall in their discretion, organize a hook and ladder company to every sixteen hundred inhabitants of said village.

CHAP. 91.

AN ACT *authorizing the inhabitants of the town of Cortlandt to raise money to build a bridge over Croton river in said town.*

Passed March 24, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The town of Cortlandt, in the county of Westchester, is hereby authorized to raise by tax, in the same manner that other town charges are levied and raised, such sum or sums of money as the inhabitants qualified to vote at town meetings, shall direct, not exceeding in all the sum of three thousand dollars, for the purpose of building a new bridge over Croton river, near its mouth in said town. Money to be raised by tax

§ 2. The moneys when raised shall be paid over to the commissioners of highways of said town, to be by them expended for the purpose aforesaid, and in pursuance of the vote or resolution of the town meeting that may raise the same. The said commissioners shall, before receiving any of the money authorized to be raised by this act, execute their bond to the supervisor of the said town in the penal sum of six thousand dollars with sureties to be approved by the said supervisor, conditioned for the faithful application of said moneys for the purpose specified in this act. How to be expended.

§ 3. The commissioners of highways of said town are authorized, after the vote of the inhabitants directing the raising of the said money, to borrow the same for immediate use and expenditure, and until the same shall be collected by assessment. Money may be borrowed.

§ 4. A special town meeting may be called at any time either by the supervisor, town clerk or the commissioners of highways of said town for the purposes aforesaid, giving twelve days' previous notice thereof, by advertisement to be published in the two public newspapers in said town, and by affixing said notices in five public places in said town. Special town meeting.

§ 5. This act shall take effect immediately.

CHAP. 92.

AN ACT *to amend an "Act authorizing the corporation of the city of Troy to create a sinking fund," passed May 25th, 1841, and for other purposes.*

Passed March 24, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall be the duty of the mayor, recorder, aldermen and commonalty of the city of Troy, to raise annually by tax, Money to be raised by tax

in the same manner that the taxes for the ordinary contingent expenses of said city are raised, the sum of twenty thousand dollars, in lieu of the one per cent authorized to be raised by the second section of the act hereby amended, to be added to the sinking fund created for the ultimate redemption of the debt contracted or to be contracted for the construction of the Schenectady and Troy railroad, to be managed, applied and disposed of in the same manner as is provided for, in and by the act hereby amended, in respect to the said one per cent and not otherwise. Provided, that the commissioners shall not be authorized to divert any portion of the money raised by the provisions of the act hereby amended, for the purpose of creating said sinking fund, to any other purpose, than in the purchase by and with the consent of the common council of said city of any bond or bonds issued by said city for the construction of said road; nor shall the said commissioners be authorized to loan any part of said moneys, so as aforesaid to be raised for the purpose of creating said sinking fund, to the said city or any other person or persons. And provided also, that no portion of the said sinking fund authorized by this act, shall be raised on that part of the city of Troy which lies south of the north line of the farm of Thomas Bumsted.

Proviso.

Bonds issued under act of 1837 how to be disposed of

§ 2. And whereas doubts have arisen whether the said mayor, recorder, aldermen and commonalty of the said city of Troy, are now authorized by law to dispose of the bonds which they were empowered to issue by the act entitled "An act to authorize the corporation of the city of Troy to borrow money for the purposes therein mentioned," passed March 28, 1837, when bearing an interest of six per cent per annum below the par value thereof,

Be it further enacted, That it shall be lawful for the said mayor, recorder, aldermen and commonalty of the city of Troy to dispose of said bonds upon the best terms which can be obtained for them; any law of this state to the contrary notwithstanding.

Temporary bonds may be issued.

§ 3. It shall be lawful for the said mayor, recorder, aldermen and commonalty of the city of Troy to issue temporary bonds in such sums, and for such terms as they may think proper, not exceeding in the whole two hundred thousand dollars, to bear interest at the rate of seven per cent per annum, in anticipation of the proceeds to arise from the negotiation of the bonds authorized by the act entitled "An act to authorize the corporation of the city of Troy to borrow money for the purposes therein mentioned," passed March 28, 1837, the proceeds whereof to be applied towards the construction of the Schenectady and Troy railroad, and to no other purpose whatever.

§ 4. This act shall take effect immediately.

CHAP. 93.

AN ACT to amend an act entitled "An act to incorporate the Oswego Bridge Company, and for other purposes," passed March 22, 1822.

Passed March 25, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall be lawful for the Oswego Bridge Company here- Rates of toll
after to demand and receive at their toll gate for the use of the
said company, a sum not exceeding the following rates of toll,
viz : for every stage, pleasure carriage or wagon drawn by two
or more horses, six and one fourth cents ; for every one horse
sleigh, wagon, gig, sulky or cart, three cents ; for every lum-
ber wagon, sleigh or cart drawn by two horses, oxen or mules,
three cents ; for every additional horse, ox or mule, two cents ;
for each hog, sheep or calf one cent ; for every man and horse,
three cents ; for every foot passenger, one cent. Provided,
however, said bridge company shall commute said toll on foot
passengers whenever desired, at the following rates, viz : for
foot passengers they may demand and receive, in lieu of one
cent for each passenger, twenty-five cents per quarter, thirty-
seven and a half cents for a half year, fifty cents for a year,
payable in advance. Provided, And provided also, that children under
sixteen years of age be allowed to pass said bridge free from
toll.

§ 2. No tolls shall be collected on Sundays, nor from nine Saving
o'clock at night until the next morning of each day, and in clauses.
addition to the persons now exempt by the fifth section of the act
hereby amended, no toll shall be demanded or received from
passengers going to or from the Oswego canal packet boats on
the eve of their departure or arrival, such packets forming a
regular line for the conveyance of passengers only.

§ 3. The company shall during the remaining time of their Dimension of
charter, maintain a bridge thirty-two feet in width with a safe bridge.
and commodious footway on each side protected by a double
railing.

§ 4. It shall be lawful at any time hereafter for the towns of
Oswego and Scriba to purchase by their supervisor in connex-
ion with the president of the village of Oswego, and on the
votes of said towns at their regular meeting, all the rights of the
company in said bridge at a price not exceeding six thou-
sand dollars, provided the bridge shall thereafter be free from
toll for public use.

§ 5. The treasurer of the bridge company shall as often as Treasurer of
once in each year, on application therefor, furnish either of the company to
supervisors of the towns of Oswego, or Scriba, or the president render ac-
of the village of Oswego under oath, a just and true statement counts.

of the receipts and expenditures of the company on said bridge.

Right to re-
peal.

§ 6. The legislature may at any time alter or repeal the charter of said company.

CHAP. 94.

AN ACT to change the day of election for directors of the Bank of Whitehall.

Passed March 25, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Election,
when to be
held.

§ 1. The annual election for directors of the Bank of Whitehall for the year one thousand eight hundred and forty-two, and for every year thereafter, shall be held, and such directors shall be elected on the first Tuesday of June in each year.

peal,

§ 2. So much of the act entitled "An act to incorporate the president, directors and company of the Bank of Whitehall," passed April 30th, 1829, and of the act entitled "Act to revive the act entitled 'An act to incorporate the president, directors and company of the Bank of Whitehall,'" passed April 15th, 1831, as are inconsistent with the first section of this act, are hereby repealed.

Right to
repeal.

§ 3. The Legislature may at any time alter or repeal this act.

§ 4. This act shall take effect immediately.

CHAP. 95.

AN ACT to incorporate the Gilboa and Jefferson Turnpike Road Company.

Passed March 28, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation
created.

§ 1. All persons who shall become stockholders pursuant to this act, are hereby constituted a body corporate by the name of The Gilboa and Jefferson Turnpike Company, for the sole purpose of constructing a turnpike road from the village of Gilboa, in the county of Schoharie, on the most convenient and eligible route through the town of Blenheim to intersect the Blenheim, Jefferson and Harpersfield turnpike road in the town of Jefferson, not exceeding two miles easterly of the academy.

Capital
stock.

§ 2. The capital stock of said company shall be ten thousand dollars, and be divided into shares of twenty-five dollars

each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by its by-laws direct.

§ 3. Mr. Archibald Crosswell, John Cornwell and William Utter, are appointed commissioners to receive subscriptions to the capital stock of said corporation. Subscription

§ 4. The said corporation shall make a good and sufficient road and shall make the arch of said road twenty-two feet in width; and when the steepness of side hills, rocks or other obstacles render it impracticable or unnecessary, in the opinion of the commissioner, to complete it of that width, it shall be lawful for said company to make it of less width and without a ditch on the lower side, but in no place shall the bed or arch of said road be less than sixteen feet wide. Road, how to be made.

§ 5. Whenever said road shall be completed according to law, the said company shall be authorized to erect one full toll gate or two half toll gates for every nine and a half miles, and no more or other gates shall be erected on said road, and receive at the full toll gate the following rates of toll, viz: For every coach, wagon, cart or other carriage drawn by two horses or other beasts, twelve and a half cents; for every additional horse or beast, three cents; for every chair, sulkey, cart or other carriage drawn by one horse or other beast, six cents; for every additional horse or other beast, six cents; for every sleigh or sled drawn by one horse or other beast, three cents; for every horse and rider or horse led, four cents; for every score of horses, cattle or mules, twenty-five cents; for every score of sheep or swine, twelve and a half cents; and in the same proportion for a greater or less number of horses, cattle or mules, sheep or swine; and at each of the said half toll gates, half of the above rates of toll. Rates of toll

§ 6. The said corporation shall possess all the privileges, and be subject to the liabilities and restrictions contained in the eighteenth Chapter of the Revised Statutes. General powers.

§ 7. The Legislature may at any time alter, modify or repeal this act. Right to repeal.

§ 8. This act shall take effect immediately.

CHAP. 96.

AN ACT *authorizing the supervisors of the county of Greene to levy a tax upon the town of Catskill.*

Passed March 28, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The board of supervisors of the county of Greene are authorized, at their next annual meeting, to levy and collect Money to be raised by tax

from the inhabitants of the town of Catskill, in the same manner as town charges are levied and collected, the sum of six hundred dollars, to be paid to the commissioners of highways of said town for the purpose of building a bridge across the Cauters Kill, at or near the site where the old bridge stood.

§ 2. This act shall take effect immediately.

CHAP. 97.

AN ACT to amend the charter of the Butternuts and Oxford Turnpike Company.

Passed March 28, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Road may be mortgaged.

§ 1. The president and directors of the Butternuts and Oxford Turnpike Company, by and with the consent of a majority of the stockholders of said company at a meeting to be duly called for that purpose, are hereby authorized to mortgage the road of said company, and its capital stock, with all its appurtenances and corporate rights, to any person or persons to secure the payment of the debts due, or to grow due by said corporation, to such person or persons.

Mortgage may be foreclosed.

§ 2. In case the condition of said mortgage shall be broken, the holder or holders of said mortgage, may foreclose the same in a court of chancery, or by giving notice and proceeding in the manner in which mortgages are authorized by statute, to sell under a power of sale. The purchasers of said road shall be considered as holders of the stock of said company, and may transfer the said stock, or part thereof, to any other person or persons, and shall, at their first meeting after the sale of said road, fix the number of the directors thereof at nine, or any number less than nine, a majority of whom shall be a quorum for the transaction of business, and shall elect the directors for the ensuing year, which election shall be thereafter annually, held on the same day of the same month on which said first election shall be held, and may continue the corporation under the original charter, and the acts amending the same according to the provisions thereof.

§ 3. This act shall take effect immediately.

CHAP. 98.

AN ACT For the appointment of a police justice for the city of Schenectady.

Passed March 28, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The supervisors of the county of Schenectady are hereby authorized to designate, as often as they may think proper, from among the magistrates in the city of Schenectady, having criminal jurisdiction, one as police justice, and the person so designated shall be such police justice until another shall be designated in his place, or his term of office as such magistrate shall expire. Police justice, how to be designated.

§ 2. Such police justice shall attend to all complaints, examinations, proceedings and trials of a criminal nature which may be brought before him at all reasonable hours. Duty of justice

§ 3. The said police justice shall keep an office in some central part of said city of Schenectady, or in the city hall of said city; and the said supervisors are hereby authorized to let to said police justice a room in said city hall at an annual rent not exceeding one hundred dollars. Office, where to be kept.

§ 4. The said police justice shall not be entitled to receive any fees for his own use for services performed in attending to complaints, examinations, proceedings and trials of a criminal nature; but in lieu thereof, he shall receive an annual salary of not more than eight hundred dollars a year, and at that rate for the time he shall exercise the duties of police justice as aforesaid, to be fixed from year to year at the time such police justice is designated by the board of supervisors of said county of Schenectady, which shall be allowed, raised and paid by the said board of supervisors, as other county charges are allowed and paid. Such sums as shall be received by the said police justice for warrants or complaints for assault and battery, from the persons making such complaints, shall be annually accounted for and paid over by the said police justice to the said board of supervisors on the first day of their annual meeting. Justice to receive a salary and not fees.

§ 5. No justice of the peace or other magistrate in the said city, or who shall hold an office within three-fourths of a mile of said city, except the said police justice, shall have or receive any fees for, or be bound to render any service in criminal cases, other than as associate justice in courts of special sessions, except in the absence or during the inability of said police justice, or when there shall be no such police justice. But this act shall not be construed to apply to any proceedings other than those which are by law within the jurisdiction of justices of the peace. Restriction.

§ 6. All laws inconsistent with this act are hereby repealed. Repeal.

§ 7. This act shall take effect immediately.

CHAP. 99.

AN ACT for the relief of Sarah Skinner and Benjamin Skinner.

Passed March 28, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Money to be paid.

§ 1. The commissioners of the canal fund shall pay to Sarah Skinner and Benjamin Skinner, the sum of seventy-five dollars, (for damages sustained by them in the destruction of a certain saw mill, of which said Sarah and Benjamin Skinner were the owners of one-fourth undivided share, and to whom the canal appraisers allowed the said sum of seventy-five dollars, as follows, viz. to the said Sarah Skinner the sum of thirty-nine dollars, and to the said Benjamin Skinner the sum of thirty-six dollars,) out of any moneys appropriated for the payment of allowances for damages on the Chenango canal.

§ 2. This act shall take effect immediately.

CHAP. 100.

AN ACT to incorporate the New-Hartford Crockett Fire Company No. 2.

Passed March 29, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation created.

§ 1. It shall and may be lawful for George W. Waitt, Thomas P. Morse, John B. Winship, and such other persons residing in and near the village of New-Hartford, in the county of Oneida, as may have associated, or may associate with them, by subscribing the sum of one dollar, or more, for the purpose of procuring a fire engine, or other implements, for the extinguishing fires in said village, to meet together at any time after the passage of this act, and choose not less than three nor more than five of their number, to be trustees, to be called "The New-Hartford Crockett Fire Company, number two," who shall be a body corporate, and shall have perpetual succession, and by that name be capable of suing and being sued in all courts and places, in all manner of actions, and to take, hold and convey property, real and personal, necessary for the purpose of extinguishing fires, and the preservation of the engines, tools and implements of the company, not exceeding in amount the sum of three thousand dollars ; and the corporation hereby created shall continue during the term of twenty years.

§ 2. The said trustees and their successors, or a majority of ^{Firemen.} them, shall have power to nominate and appoint a sufficient number of firemen, not exceeding twenty-four.

§ 3. All fines incurred by or under the by-laws and regula- ^{Fines.} tions to be made by the said trustees, may be recovered by any one of the said trustees in his own name, before any justice of the peace residing in New-Hartford aforesaid, or one of the adjoining towns, with costs of suit.

§ 4. The corporation hereby created, shall possess all the ^{General powers.} powers and privileges, and be subject to all the restrictions and limitations which are granted or imposed upon the "Lima Repulse Fire Engine Company," by the second, third, fourth, fifth, sixth and seventh sections of the act incorporating that company, passed April 16, 1830, except so far as the same is changed by the second and third sections of this act.

§ 5. This act is hereby declared to be a public act, and shall ^{Right to re-} take effect immediately; but the legislature may at any time ^{peal.} hereafter, alter, modify, amend or repeal the same.

CHAP. 101.

AN ACT to incorporate the New-Hartford Fire Company, No. 1.

Passed March 29, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall be lawful for John S. Remington, Stephen Childs, ^{Corporation created.} Joseph Richardson, and such other persons residing in and near the village of New-Hartford, in the county of Oneida, as may have associated, or may associate with them by subscribing the sum of one dollar or more, for the purpose of procuring a fire engine, or other implements for extinguishing fires in said village, to meet together at any time after the passage of this act, and choose not less than three nor more than five of their number to be trustees, to be called "The New-Hartford Fire Company, number one," who shall be a body corporate, and shall have perpetual succession, and by that name be capable of suing and being sued in all courts and places, in all manner of actions, and to take, hold and convey property, real and personal, necessary for the purpose of extinguishing fires and the preservation of the engines, tools and implements of the said company, not exceeding in amount the sum of three thousand dollars, and the corporation hereby created shall continue during the term of twenty years.

§ 2. The said trustees and their successors, or a majority of ^{Firemen} them, shall have power to nominate and appoint a sufficient number of firemen not exceeding twenty-four.

Fines.

§ 3. All fines incurred by or under the by-laws and regulations to be made by the said trustees, may be recovered by any one of the said trustees, in his own name, before any justice of the peace residing in New-Hartford aforesaid, or one of the adjoining towns, with costs of suit.

General powers.

§ 4. The corporation hereby created, shall possess all the powers and privileges, and be subject to all the restrictions and limitations which are granted or imposed upon "The Lima Repulse Fire Engine Company," by the second, third, fourth, fifth, sixth and seventh sections of the act incorporating that company, passed April 16, 1830, except so far as the same is changed by the second and third sections of this act.

Right to repeal.

§ 5. This act is hereby declared to be a public act, and shall take effect immediately; but the legislature may at any time alter, modify or repeal the same.

CHAP. 102.

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Montgomery, in the county of Orange,' passed April 11, 1817.

Passed March 29, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The trustees of the village of Montgomery, in Orange county, shall have power:

Power to purchase fire engines, &c.

1st. To purchase fire engines and other useful and necessary apparatus and implements for extinguishing fires, and to erect houses for the safe keeping thereof, when authorized by a vote of the corporation.

2d. To organize and provide for the government, duties and exercise of fire companies and hook and ladder companies.

3d. To inspect, or cause to be inspected, fire places, chimneys, stoves and stove pipes, and to cause the same to be put and kept in safe condition; and enter, and cause others to enter houses and other buildings for such purpose at all proper times.

4th. To compel the inhabitants to keep their ashes in safe places.

5th. To prescribe the powers and the duties of the fire wardens.

Other police regulations.

6th. To provide for the digging of wells and public sewers, drains, cisterns and reservoirs.

7th. To purchase and erect hay-scales when authorized by a vote of the corporation, and regulate the manner and prices of

weighing hay and other articles, and to appoint one weighmaster, who shall hold the office during their pleasure.

8th. To appoint one inspector of wood in said village, to regulate the mode of measuring and inspecting wood, and the fees for doing it, and the manner of their pay.

9th. To control the location of slaughter houses.

10th. To restrain within the bounds of said village, in such manner as they may deem proper, not inconsistent with existing laws, the exhibition of any show, caravan, circus, theatre, or any artificial curiosity for money.

11th. To prescribe and ordain suitable fines, penalties and forfeitures, for offending against such by-laws, rules, regulations and ordinances, and the provisions of this act, and the act hereby amended, not exceeding twenty-five dollars for one offence, and to remit such fines, penalties and forfeitures wholly or in part.

12th. To regulate the number of stores and groceries to be licensed within said village to sell strong or ardent spirits, wines and cordials, or either of them, under five gallons.

§ 2. Every fine, penalty or forfeiture incurred for any offence against the by-laws of said village, or any of the provisions of this act, or the act hereby amended, or any or either of them, shall be sued for and recovered by the trustees in the name of the corporation in an action of debt, before any justice of the peace having jurisdiction thereof; in which action it shall be sufficient for the parties to declare and plead generally, and under such pleading to give the special matter in evidence; and no inhabitant of said village shall, for that cause, be incompetent to act as justice, juror, witness or constable, in any such suit. Such fines, penalties and forfeitures, shall be paid to the treasurer of the said village for the use thereof, within ten days after being collected.

Fines how
to be recovered.

§ 3. Said village of Montgomery shall constitute one road district.

Road district.

§ 4. The trustees of said village shall assess the inhabitants residing therein liable to highway labor, in the same manner as the commissioners of highways are by law authorized to assess highway labor, and shall cause said labor to be expended on the streets and side walks of said village.

Highway labor.

§ 5. The trustees of said village shall have the same powers as to compel the inhabitants to perform the labor assessed by virtue of this act, that the overseers of highways now have by law.

§ 6. The trustees of said village shall report annually to the commissioners of highways, the manner in which said labor has been expended in said village.

Trustees to report.

CHAP. 103.

AN ACT *authorizing an additional sum of money to be raised in the town of Western, in the county of Oneida, for the support of roads and bridges.*

Passed March 29, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Money to
be levied &
assessed.

§ 1. The inhabitants of the town of Western, in the county of Oneida, may, at their annual town meeting in each year, for the term of three years, direct and order the levy, assessment and collection of such sum as they shall by a vote of said meeting determine, not exceeding five hundred dollars in any one year, in addition to what they are now authorized by law to raise in said town, for the support of roads and bridges in said town, or to be appropriated to the payment of the debts that the town now owe for labor done, and money borrowed and expended in the repairs of roads and bridges in said town heretofore.

How to be
collected.

§ 2. It shall be the duty of the board of supervisors of said county, to cause the amount that may by said town be directed to be levied by virtue of this act, and the sum of five hundred dollars directed to be levied by a vote of the last annual town meeting of said town to be assessed, levied and collected upon said town, in the same manner as other town charges of said town are directed to be collected.

§ 3. This act shall take effect immediately.

CHAP. 104.

AN ACT *to amend an act entitled "An act to enclose a certain tract of timber land in the county of Rockland," passed April 17, 1816.*

Passed March 29, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Claasland
may be en-
closed.

§ 1. It shall be lawful for the proprietors of the Claasland mountain, in the county of Rockland, to enclose the whole or any part thereof, as a majority of said proprietors present at any annual meeting may determine ; but those proprietors whose lands may not be thus enclosed, shall not be required to pay any part of the expense of said enclosure.

CHAP. 105.

AN ACT *in relation to bridges in the towns of Root and Florida, in the county of Montgomery.*

Passed March 29, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The supervisors of the county of Montgomery are hereby authorized and required to cause to be levied and collected in the manner now prescribed by law for the collection of taxes in the towns of Root and Florida in said county, such sums of money, in addition to the sums now authorized by law, as they shall be authorized by resolution of any regular or special town meeting of said towns respectively, to be raised for the building and repairing of bridges in said towns respectively, during the next two years ; the said sums not to exceed in each year, in the town of Root, one thousand dollars, and in the town of Florida, five hundred dollars. Money to be raised by tax

§ 2. This act shall take effect immediately.

CHAP. 106.

AN ACT *to incorporate a fire engine company in the village of Sackett's-Harbor.*

Passed March 29, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Edmund M. Luff, Andrew I. Field and Walter Kimball, and their associates, to the number of twenty-five, are constituted a body corporate, by the name of "The Sackett's Harbor Fire Engine Company, No. 2." Corporation created.

§ 2. The members of said company shall perform the like duties and be entitled to the like privileges and exemptions as are now performed and possessed by other firemen in said village. General powers.

§ 3. This act shall take effect immediately.

CHAP. 107.

AN ACT to amend the act entitled "An act to abolish imprisonment for debt, and to punish fraudulent debtors," passed April 26, 1831.

Passed March 29, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Section 34
of act of
1831.

§ 1. Section thirty-four of the act entitled "An act to abolish imprisonment for debt, and to punish fraudulent debtors," passed April 26, 1831, is hereby amended, so as to read as follows :

Amended.

§ 34. In addition to the cases in which suits may now be commenced before justices of the peace by attachment, any suit for the recovery of any debt or damage arising upon any contract express or implied, or upon any judgment for one hundred dollars or less, may be so commenced, whenever it shall satisfactorily appear to said justice that the defendant is about to remove from the county, any of his property, with intent to defraud his creditor, or has assigned, disposed of, secreted, or is about to assign, dispose of, or secrete any of his property, with the like intent, whether such defendant be a resident of this State or not.

Repeal.

§ 2. Section second of the act entitled "An act concerning justices courts," passed May 14, 1840, is hereby repealed.

CHAP. 108.

AN ACT to amend the several acts in relation to the village of Syracuse.

Passed March 29, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Amendment
of act of
1834.

§ 1. The ninth section of the act entitled "An act to amend the act entitled an act to incorporate the village of Syracuse," and the act amending the same, passed April 22, 1834, is hereby amended as follows : the said Oliver Teall, his heirs or assigns may charge for the use of the water contemplated in the said ninth section hereby amended, a sum not exceeding ten dollars per annum for a private family, twenty dollars per annum for a boarding house, and forty dollars per annum for a tavern.

§ 2. This act shall take effect immediately.

CHAP. 109.

AN ACT to amend the act entitled "*An act to organize and establish a Recorder's Court in the city of Buffalo, and for other purposes,*" passed April 20th, 1839.

Passed March 29, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The terms of the recorder's court of the city of Buffalo, shall hereafter be held in the following months only, to wit : Terms.
March, May, July, September and December of each year.

§ 2. The fifth section of said act is hereby amended, so as Clerk appointed.
to read as follows : The clerk of the said court shall be appointed by the recorder, and shall provide at the expense of the said city, such seal as the common council shall devise and direct, which shall be the seal of the said court; and the common council shall provide, at the expense of said city, an office and office furniture, and such necessary books as may be required for the discharge of his duties as such clerk.

§ 3. The nineteenth section of said act is hereby amended Fees.
so as to read as follows : In addition to the fees and compensation herein before provided by this act, the said recorder shall be paid by the common council of the city of Buffalo, an annual salary of seven hundred dollars ; and the board of supervisors of Erie county are hereby authorized to pay the said recorder such further sum annually, in their discretion, as they may deem just and equitable.

§ 4. The judgments of the recorder's court of the city of Buffalo, may be docketed in the manner required in the twenty- Judgments how docketed.
eighth and twenty-ninth sections of the act entitled "*An act concerning costs and fees in courts of law, and for other purposes,*" passed May 14, 1840, with the like effect as is provided in relation to the judgments of the supreme court.

§ 5. The recorder's court of the city of Buffalo, shall in Crimes to be tried.
addition to the powers heretofore given to said court, have power to hear, try and determine any indictment for any crime committed in said city, punishable by imprisonment for any term of years or for life.

§ 6. The term of the court of common pleas and general June term common pleas and general sessions, Erie county.
sessions of the peace for the county of Erie, heretofore authorized to be held in May, shall hereafter be held in the month of June, in each and every year.

§ 7. This act shall take effect immediately.

CHAP. 110.

AN ACT to incorporate the Whitehall Library Association.

Passed March 29, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation
created.

§ 1. Elisha A. Martin, Oscar F. Blount, Robert Doig junior, Charles Thurman, Lemon Barnes, William W. Cook, Ather-ton Hall and their associates, are hereby created a body corpo-rate, by the name of "The Whitehall Library Association," of the village of Whitehall, for the purpose of establishing and maintaining a library, reading room and rooms for debates and lectures on literary and scientific subjects; and such other means of promoting moral and intellectual improvement, with power for such purposes to take by purchase, devise, gift or otherwise, and to hold, transfer and convey real estate and personal property to the amount of ten thousand dollars; and also further to take, retain and convey all such books, cabinets, library, furniture and apparatus as may be necessary to obtain the ob-jects and effect the purposes of said corporation.

Funds and
property
how to be
managed.

§ 2. The control and disposal of the funds, property and estate, and the direction and management of the concerns of the said corporation shall be vested in the persons named in the first section of this act, consisting of the president, vice-pres-ident, treasurer, secretary and three directors, and their suc-cessors in office, and shall be subject to their present consti-tution and by-laws, which may be altered or amended by a vote of two-thirds of the members present at any regular or special meeting of said corporation.

Officers of
the associa-
tion.

§ 3. The several officers of the said association at the time of the passage of this act, shall continue to hold their respec-tive offices, as officers under the corporation hereby created, until the next annual election, and until others are elected to supply their places, unless a vacancy shall occur by death or otherwise, in which case such vacancy may be filled for the re-sidue of the term of office, by the remaining officers of the as-sociation and all property and funds now held by the said officers, or either of them, or any other person or persons in trust, in and for the said association, shall by virtue of this act vest in, and become the property of, and may be sued for and recovered in the name of the corporation hereby created, and the said corporation shall assume and be liable for all contracts and agreements which have been entered into, or incurred pre-vious to the passage of this act by the officers of this associ-ation, or any of them, lawfully acting in behalf of the said cor-poration.

§ 4. The annual election for officers of the said corporation shall be held on the second Tuesday of November of each year, unless the said association shall, by their by-laws, appoint some other day for that purpose. Election.

§ 5. The estate, property and funds of the said corporation shall be devoted to the general purposes and objects specified in the first section of this act. Funds how devoted.

§ 6. The officers of the association shall be elected by ballot by such members as are now, or may be entitled by the constitution thereof, to vote at the annual elections; provided, however, that no person shall be entitled to vote at such elections, or shall be admitted to participate in the privileges and concerns of the said association, who shall not have fully paid and discharged all dues from him to the association, according to the provisions which are now or may be hereafter established in the constitution and by-laws thereof. Officers how to be elected

CHAP. 111.

AN ACT *for the relief of the heirs or devisees and legatees of Jesse Hawley deceased.*

Passed March 29, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The title of the heirs at law of Jesse Hawley, late of Lockport in the county of Niagara, deceased, or of the devisees and legatees named in the last will and testament of the said deceased, to a certain piece of land situated in the town of Hartland in said county, and which was deeded by Charles E. Dudley, a citizen, to Charles Taylor an alien, and by said Charles Taylor to James Cartmall also an alien, and by said James Cartmall to the said Jesse Hawley deceased, by deed, dated the eighth day of October, eighteen hundred and forty-one, and described as being the northeast part of lot number three in the seventh section of the fifteenth township and sixth range of the Holland Land Company survey, shall be as valid and effectual, as if the said Charles Taylor and James Cartmall had been citizens of the United States, at the time of the conveyance of the land to them respectively. Title to certain lands confirmed.

§ 2. The devisees and legatees named in the last will and testament of the said Jesse Hawley deceased, and their heirs and assigns, shall have the same property, rights and interest in said piece of land under said will, as between themselves and the heirs at law of said deceased, as if the said Charles Taylor and James Cartmall had been citizens of the United States at the time said piece of land was deeded to them respectively. Rights of devisees and legatees.

§ 3. This act shall take effect immediately.

CHAP. 112.

AN ACT to incorporate the Mechanics' Library Association of the village of Newburgh.

Passed March 29, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation
created.

§ 1. The members of the Mechanics' Library Association of the village of Newburgh, and all persons who shall hereafter be associated with them, are created a body corporate, by the name of the "Newburgh Mechanics' Library Association," for the purpose of establishing and maintaining a library, reading rooms, literary and scientific lectures, and other means of promoting moral, intellectual and mechanical improvement, with power for such purposes to take by purchase, devise or otherwise, and to hold, transfer and convey real and personal property, and also further to take, hold and convey all such books, cabinets, library, furniture and apparatus, as may be necessary for attaining the objects, and carrying into effect the purposes of the said corporation, not to exceed in the aggregate value, twenty thousand dollars.

Funds and
property.

§ 2. The control and disposal of the funds, property and estate, and the direction and management of the concerns of the said corporation shall be vested in an executive committee to consist of the president, two vice-presidents, the corresponding secretary, the recording secretary, the treasurer, and five managers of the said corporation, who shall be elected semi-annually to their respective offices by such of the members of the said association as are or may be entitled by the by-laws to vote at such elections.

Officers.

§ 3. The several officers of the said association at the time of the passage of this act, shall continue to hold their respective offices, as officers of the corporation hereby created, until the next election, unless in case of a vacancy previously occurring; and all personal property, or funds or securities, now held by the said officers, or either or any of them, or any other person or persons in trust, for the said association, or for the use and benefit of the same, shall by virtue of this act vest in, and become the property of, and may be sued for and recovered in the name of the corporation hereby created; and the said corporation shall assume and be liable for all contracts, agreements and liabilities which have been entered into, or incurred previous to the passage of this act, by the officers of the said association, or any of them, lawfully acting in behalf of the said association.

Election.

§ 4. The semi-annual election for officers of the said corporation shall be held on the first Wednesday of December and the first Wednesday in June in each year, or on such other

days as the said corporation, in and by its by-laws may appoint.

§ 5. The estate, property and funds of the said corporation shall be devoted solely to the general purposes and objects specified in the first section of this act; and the estate of the said corporation shall be subject to taxation in the same manner as the real estate is that is held or owned by individuals. Estate and property, how devoted

§ 6. The said corporation shall possess the powers and be subject to the provisions and liabilities of the eighteenth Chapter of the first Part of the Revised Statutes. General powers.

§ 7. This act shall take effect immediately, and the legislature may at any time modify or repeal this act. Right to repeal.

CHAP. 113.

AN ACT to authorize the trustees of the Walkill Academy to borrow money.

Passed March 29, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The trustees of the Walkill Academy are hereby authorized to borrow a sum of money not exceeding two thousand dollars, at an interest not exceeding seven per cent, for a term not exceeding six years, to be applied by the said trustees in finishing the academy now erecting by them near the village of Middletown in the town of Walkill, in the county of Orange, and for no other purpose; and the said trustees are hereby authorized to mortgage as a security for said loan, the academy building of the said corporation and the lot of land whereon the same is situate, and from time to time to effect insurance on said building, and to assign the same as a further security for such loan. Money may be borrowed

§ 2. This act shall take effect immediately.

CHAP. 114.

AN ACT to provide for paying the debt and preserving the credit of the State.

Passed March 29, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. A state tax of one mill on the dollar of the valuation of real and personal estate within this state, shall, in each and every year, until the same shall cease as hereinafter provided, be raised, collected and paid in the manner prescribed in the Tax of one mill on the dollar to be levied and collected.

Revised Statutes, Part first, Chapter thirteen, "Of the assessment and collection of taxes," which tax shall be paid by the county treasurers respectively, into the treasury of this state, and the same shall be received into the treasury and held by the Treasurer of this state, for the purposes following, that is to say :

Part to be applied to the use of the general fund.

1. The whole amount of the proceeds of said tax which shall be assessed in the year one thousand eight hundred and forty-two, and one-half of the proceeds of the said tax which shall be assessed in each succeeding year, shall be held, paid and applied to the use of the general fund, and the payment of demands which may be a charge thereon, and are hereby pledged for the payment of such loans as shall be made a lien thereon by the Comptroller, in his bonds, to be issued therefor, to meet the legal demands on the treasury, including any demand which the Comptroller may be required to pay, on account of any stocks of the state issued to any railroad or other incorporated company, and any balance which may be due from the general fund to the fund set apart to pay the Erie and Champlain canal debt, the bank safety fund, the United States deposit fund, the common school fund, or any other specific fund, so that such pledges shall not exceed the probable proceeds of said tax for the use of the general fund, in the period of the four ensuing years.

Part for canal purposes.

2. One-half of the proceeds of said tax assessed in the year one thousand eight hundred and forty-three, and in each succeeding year, shall be held for canal purposes; and shall, on the warrant of the Comptroller, be paid by the Treasurer of the state to the commissioners of the canal fund, to be by them applied to pay the loans, to be made by them, authorized by this act, or to purchase the stocks to be issued for such loans, and to pay the charges and demands for the payment of which such loans are authorized, and to pay the canal debt.

Comptroller to state revenue of general fund

§ 2. At the close of every fiscal year, the Comptroller shall ascertain and state, for that year :

1. The revenue of the general fund from sources annual in their nature, specifying the amount received from the tax above levied, for the use of the general fund, but excluding all capital of the fund, loans for it, and moneys used belonging to other funds.

Payments for general fund.

2. The payments for the general fund, annual in their nature, excluding all payments for loans of specific funds, principal of the stock debt, and payments for matters arising out of the state canals, but including interest paid on any stock issued to any incorporated company.

Stock debt, &c.

3. The stock debt of the general fund, temporary loans and balances due specific funds, and the stock debt unpaid on any stock heretofore issued to any incorporated company, and the annual interest at the actual rate, where any is fixed, and at six per centum per annum, where none has been fixed, on the state debt enumerated in this clause. And whenever the an-

nal revenue of the general fund, so fairly ascertained, exclusive of the general fund revenue, from the said tax, shall after eighteen hundred and forty-five, exceed the annual payments chargeable thereon, by more than one-third of the annual interest last mentioned; then it shall be the duty of the Comptroller, under his seal of office, to certify the fact of such ascertained excess, to the treasurers respectively, of the several counties of this state, whose duty it shall be to lay the same before the boards of supervisors of their respective counties; and that part of the above mill tax applied to the use of the general fund, shall not be levied except for a single year, beyond the close of the fiscal year, respecting which such certificate shall have been made.

§ 3. Any principal moneys of the general fund, and any surplus of the annual revenue of that fund remaining at the close of any fiscal year, which the Comptroller shall not deem necessary to be retained in the treasury, shall be applied by him to pay the general fund debt, or purchase in the bonds or stocks issued therefor, or they shall be applied by him to purchase in any stocks issued by this state to any railroad or other incorporated company, to be held by the Comptroller in trust for the use of the general fund; the interest collected thereon in any fiscal year, being deemed a part of the annual revenue of that fund.

§ 4. The Comptroller is authorized to borrow, in one or more loans, for the use of the general fund, the sum of (\$884,595.31,) eight hundred and eighty-four thousand five hundred and ninety-five dollars and thirty-one cents, being the amount due therefrom to the specific funds on the eighth day of February, eighteen hundred and forty-two, including the stock debt to the bank safety fund, at a rate of interest not exceeding the rate hereinafter authorized on loans to be made for canal purposes, and to give his bond therefor according to law, for loans for the use of the treasury.

§ 5. The commissioners of the canal fund are authorized from time to time to borrow the several sums, and make the several loans specified in this section; to issue bonds and certificates therefor according to law, bearing an interest payable quarter yearly, redeemable at any period not exceeding eighteen years, and to dispose of the said bonds and certificates at public or private sale, but at no less rate or proportion than par for a seven per cent stock; but any such stock where the rate of interest shall exceed six per cent per annum, or where the same shall be sold for a rate less than par for a six per cent stock, shall be made redeemable within a period not exceeding seven years from the time of issuing the same. And the said commissioners are hereby authorized to borrow and make loans of the several sums which follow, that is to say:

To pay interest on debt in 1842.

1. Of not exceeding (\$241,474.52) two hundred and forty-one thousand four hundred and seventy-four dollars and fifty-two cents, for the payment of interest on the canal debts on the first of April, (1842,) one thousand eight hundred and forty-two, and on the temporary canal loans, payable in March, (1842,) one thousand eight hundred and forty-two, and to reimburse the Erie and Champlain canal fund for advances which may be made from it to pay the said interest.

For Chemung canal.

2. Of not exceeding (\$450,000,) four hundred and fifty thousand dollars, to be applied by them to pay for the rebuilding of the locks and other improvements now in progress on the Chemung canal, so far as the moneys therefor shall not have been obtained under the "act to provide for the further improvement of the Chemung canal and feeder," passed February 9, 1842; and to pay all expenses of superintendence, repairs and collections on the navigable canals, until revenue from the canals for the purpose shall be received by them the ensuing season of navigation.

To pay temporary loans.

3. Of not exceeding (\$1,613,267,) one million six hundred and thirteen thousand two hundred and sixty-seven dollars to be applied by them in payment of the temporary canal loans heretofore made by virtue of chapter one hundred and ninety-three of the laws of 1841.

To pay arrearages due contractors, &c.

4. Of not exceeding (\$1,000,000,) one million dollars, to be applied by them to pay arrearages to contractors, engineers and others on the public works now in construction, and extra allowances and land damages, on the same works, to be equitably apportioned among the several works and subjects in the discretion of the canal board.

For preserving the works in progress, &c.

5. Of not exceeding (\$500,000,) five hundred thousand dollars, to be applied by them to preserve the works now in the progress of construction and to pay all arrearages, extra allowances and damages for lands or waters appropriated for the construction of the works in progress so far as the said arrearages, extra allowances and land damages shall not have been paid by funds obtained under the last preceding clause, and to pay for the completion and further prosecution of any job or works as provided in the tenth section of this act.

To replace unavailable funds.

6. Of not exceeding (\$400,000) four hundred thousand dollars, to replace to the fund set apart to pay the debt for the Erie and Champlain canals, any moneys of the said fund which are or shall become unavailable by reason of any failure or insolvency of any bank in which the same has been deposited or to which the same has been or may be loaned.

Interest chargeable on canal revenues.

§ 6. The interest on any loans to be made or stock to be issued by the commissioners of the canal fund by virtue of this act, shall be a charge on, and paid out of any canal revenue.

Loans.

§ 7. The loans herein before authorized to be made by the commissioners of the canal fund, may, in the scrip to be issued therefor, be declared to be a charge on any money to be raised

for canal purposes, under the first section of this act, and on any surplus of canal revenue after the payment of the interest on the canal debt, and all expenses for current damages, superintendence, repairs and collections on all the state canals.

§ 8. The commissioners of the canal fund may invest, in any of the loans authorized by this act or the purchase of the stocks issued therefor, any moneys set apart for the payment of the Erie and Champlain canal debt, not exceeding (\$600,000,) six hundred thousand dollars, so far as said stock shall be redeemable in time to enable them to realize and apply the money in or before the year (1843,) one thousand eight hundred and forty-three, towards the payment of the said last mentioned canal debt, or the purchase of the stock thereof.

Temporary
investments
of loans.

§ 9. The Comptroller is authorized to invest in the loans authorized by this act or in the purchase of the stocks thereof, the United States deposite fund moneys, not exceeding (\$1,700,000,) one million seven hundred thousand dollars, and the moneys of the common school fund not exceeding (\$500,000,) five hundred thousand dollars, and to call in the money of these funds accordingly; and the stocks taken for said funds shall be made redeemable, and if purchased in for said funds, shall be deemed redeemable as soon as the surplus of canal revenues shall be sufficient to pay the same after the year (1845,) one thousand eight hundred and forty-five, and all such investments shall be specially reported by the Comptroller to the legislature.

United
States deposite
and common
school
funds.

§ 10. All further expenditure on the public works now in the progress of construction, shall be suspended until the further order of the legislature, except only the following work and jobs under contract, on the said works; that is to say, such jobs and work as the board of canal commissioners shall certify to the commissioners of the canal fund, in the manner to be prescribed by the latter, that the completion or further prosecution of such job or work is necessary to preserve or secure the navigation of the navigable canal of which it is a part; or is necessary to preserve the work already done from destruction by ice or floods; or that the completion or further prosecution of such job or work will cost less than it will save in the expense of preserving the work already done. On filing such certificate with the commissioners of the canal fund, they may, if satisfied in the premises, apply to the completion or further prosecution of such job and work, so much of the money provided and granted in and by the fifth clause of the fifth section of this act, as in their opinion will leave sufficient to meet the other charges specified in that clause.

Further ex-
penditure on
public works
in progress
suspended.

§ 11. At the close of ever fiscal year, the commissioners of the canal fund, of whom the Comptroller shall be one, shall ascertain and state for the year :

Report to
be made.

Of revenue
of canals.

1. The revenue of the state canals from all canal sources, annual in their nature, and shall specify the revenue derived from that part of the mill tax herein imposed for canal purposes, and excluding all interest except interest on the current canal revenue received in the fiscal year.

Of expendi-
tures on
canals.

2. The annual expenditure on and for all state canals, and charges caused by or growing out of them, including the charge of (\$200,000,) two hundred thousand dollars a year, to be paid to the general fund according to the fifth section of the act of May 25, 1841, and including all interest on the debt of the state for the canals except in so far as the same may be paid by revenue from the fund now set apart to meet the redemption of any part of that debt.

Of canal
debt.

3. The amount of the canal debt now existing and authorized by this act, so far as the same shall remain unpaid, and distinctly the annual interest on the said debt; and whenever the annual revenue from the state canals thus fairly ascertained, shall, exclusive of the revenue from that part of the mill tax imposed by this act for canal purposes, exceed the annual expenditure and interest and payment to the general fund, to be ascertained as directed in the second clause of this section, by more than one-third of the annual interest on the canal debt as above specified, then it shall be the duty of the said commissioners of the canal fund under the seal of the office of the Comptroller, to certify the fact of such excess of the annual revenue of the state canals, over the proper annual charges thereon, to the treasurers respectively, of the several counties of this state, whose duty it shall be to lay the same before the board of supervisors of their respective counties, and they shall thereupon cease further to levy that part of the mill tax herein authorized for canal purposes; but the tax for that year, if the same shall have been included in the tax warrants, shall for that year be levied and paid for the use of the general fund.

Tax imposed
by this act
pledged to
the public
creditors.

§ 12. The tax imposed by this act is hereby pledged to the public creditors of the state to be applied in the manner herein before specified during its continuance as herein before provided; and the surplus of the canal revenue after paying all just canal current expenses, and the interest on the canal debt, and the payment aforesaid to the general fund, shall to an amount at least equal to one third of the interest of the canal debt remaining unpaid be sacredly devoted and applied as a sinking fund to the redemption of the canal debt now existing and authorized by this act, and shall not be diverted from that object to any other purpose whatever.

Privileges of
banks and
banking as-
sociations.

§ 13. Any bank or banking association holding or purchasing any part of the temporary loans or the bonds or scrip therefor, mentioned in the third clause of the fifth section of this act, is hereby authorized, on surrendering the bond or scrip issued, if any, to subscribe for an equal amount of the loan authorized by the said third clause, and to take, hold and dispose

of the scrip and certificates to be issued therefor; and said last mentioned stocks, in respect to any limitation now by law imposed on any such bank or banking association, shall not be deemed any part of the loans or discounts of such bank or banking association.

§ 14. The Comptroller, on or before the first day of September next, shall transmit a copy of this act to the board of supervisors of the several counties, with such instructions as he may deem necessary to carry the same into effect.

§ 15. This act to take effect immediately.

CHAP. 115.

AN ACT to authorize Hezekiah H. Smith to maintain a dock adjoining his lands in the Niagara river.

Passed March 30, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. It shall be lawful for Hezekiah H. Smith, of the village of Youngstown, in the county of Niagara, his heirs and assigns, to erect and maintain a dock or wharf adjacent to his land in the said village of Youngstown on the Niagara river, and extending into said river not exceeding one hundred feet from high water mark, and not exceeding two hundred and sixty-five feet along said river; or from time to time to repair or rebuild the one now erected by him adjacent to his land; and to demand and receive reasonable dockage and wharfage from persons using the same: but the legislature may at any time hereafter regulate the rates of dockage and wharfage to be received by said Smith, in such manner as shall be just and reasonable.

A dock or wharf may be erected.

§ 2. The legislature may at any time alter or repeal this act.

CHAP. 116.

AN ACT relating to the village of Medina.

Passed March 30, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. Section fifteen of the act to amend the act to incorporate the village of Medina, passed May 9, 1837, is hereby amended so as to read as follows, to wit: the trustees are authorized and empowered to organize and establish a fire department, to com-

Fire department.

sist of two or more fire companies, one or more hook and ladder companies, and to appoint a foreman for each company, and a sufficient number of members, not exceeding forty to each company, with the consent of the individual so to be appointed.
 § 2. This act shall take effect immediately.

CHAP. 117.

AN ACT to amend an act passed April 12, 1816, entitled "*An act for draining the great marsh or swamp on the Canase-ragu creek, in the towns of Sullivan and Lenox in the county of Madison, and for other purposes.*"

Passed March 30, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Penalty.

§ 1. Any person who shall hereafter wilfully fill up or otherwise obstruct any drain made under the act hereby amended, shall, on conviction, be adjudged guilty of a misdemeanor, and shall be punished by fine or imprisonment, or both, in the discretion of the court, before which such conviction shall be had ; and the commissioners of highways of the towns of Sullivan and Lenox respectively, are authorized and required to remove any obstructions which have been or shall be made on any such drains in their respective towns, and may sue for and recover in their official character, from any person or persons causing such obstructions, the expense of which they shall have incurred in the removal thereof, together with costs of suit.

CHAP. 118.

AN ACT to erect the town of Collikoon.

Passed March 30, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

**Town of
Collikoon
erected.**

§ 1. All that part of the town of Liberty, in the county of Sullivan, included within the following limits and boundaries, to wit: Beginning at the point on the line between the towns of Liberty and Bethel in said county, where the line between divisions number eleven and thirteen of great lot number two in the Hardenburgh patent intersects the same ; thence northerly on the line between divisions number eleven and twelve on the east, and numbers thirteen and fourteen on the west, to the line between great lots numbers two and three ; thence easterly along said last mentioned line to the point where the same in-

tersects the line between great lots number one and four of the seventeen thousand acre tract; thence northerly on the line between divisions number one, two and three on the east, and numbers four, five and six on the west, to the line between the seventeen thousand acre tract and the fifth allotment; thence westerly on the last mentioned line to the point where the line between divisions number three and four of the fifth allotment intersects the same; thence northerly on the line between said numbers three and four of the fifth allotment to the line between the towns of Liberty and Rockland; thence westerly along said line to the line between the counties of Sullivan and Delaware; thence southwesterly along the last mentioned line to the Delaware river; thence southeasterly along the eastern shore of said river to the point where the line between the towns of Liberty and Cochection intersects the same; thence easterly along the line between the town of Liberty on the north, and the towns of Cochection and Bethel on the south, to the place of beginning; shall on and after the first Tuesday of May next be and considered a separate and distinct town by the name of Collikoon.

§ 2. The first town meeting in the town of Collikoon, hereby erected, shall be held on the said first Tuesday of May, next at the house of George G. Dewitt, where he now resides, and shall be conducted in the manner prescribed in Article two, Title two, Chapter eleven and Part one of the Revised Statutes. First town meeting.

§ 3. All that part of the town of Liberty not included within the limits described in the first section of this act shall continue to be and constitute the town of Liberty in the county of Sullivan, and shall continue to hold and possess the rights and property now belonging or appertaining to the said town of Liberty. Liberty to remain.

CHAP. 119.

AN ACT to divide the towns of Skaneateles and Marcellus in the county of Onondaga.

Passed March 30, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. All that part of the towns of Skaneateles and Marcellus in the county of Onondaga, lying south of a line commencing in the centre of Otisco outlet, on the north line of lot number seventy-one, now in the town of Marcellus, and running west along the north line of lots number seventy-one and seventy, to the northeast corner of lot number sixty-eight, thence west following the course of said line to the west line of said lot now Part of Skaneateles and Marcellus annexed to Spafford.

in the town of Skaneateles, is hereby annexed to the town of Spafford and shall hereafter compose a part of said town.

§ 2. This act shall take effect immediately.

CHAP. 120.

AN ACT in relation to circuit courts in the counties of Chautauque and Livingston.

Passed March 30, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Court to be held in August in Chautauque county.

§ 1. The next circuit court and court of oyer and terminer in and for the county of Chautauque, shall be held on the third Monday of August next, instead of the third Monday of November as heretofore appointed.

In Livingston county.

§ 2. It shall be the duty of the circuit judge of the sixth circuit, at the next period for appointing courts within his district, to appoint circuit courts and courts of oyer and terminer for the county of Livingston, and to hold such courts, after the first day of January next.

Vice-Chancellor's jurisdiction in Livingston county.

§ 3. Nothing contained in the last preceding section shall in any way affect the jurisdiction of the Vice-Chancellor of the eighth circuit within the county of Livingston; but he shall continue to have and exercise the same powers and jurisdiction in said county, as though this act had not been passed.

§ 4. This act shall take effect immediately.

CHAP. 121.

AN ACT to amend an act passed May 26, 1841, entitled "An act appointing commissioners to drain certain lands in the county of Jefferson."

Passed March 30, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Assessments and collections to be made.

§ 1. The commissioners named in the act hereby amended, shall have power to assess and collect from time to time, such sum or sums of money on the flowed lands mentioned in said act, as they shall deem necessary to carry on and complete the work set forth in said act, not exceeding in the whole, the sum of three thousand dollars.

Assessments how to be made.

§ 2. The said commissioners shall assess said lands in proportion to the number of acres owned by each person to be

benefitted by such improvement, and shall publish their assessments in the same manner, and for the same length of time as town assessors are by law compelled to do; and the inhabitants assessed shall have the same opportunity and means of reducing their assessments to the actual number of acres owned by each, as are provided in the assessment of town and county taxes.

§ 3. The sum or sums of money so assessed on said lands, shall be paid to the said commissioners within three months after said assessment or assessments are so completed, and in case said sum or sums so assessed on said lands are not so paid, then the said commissioners shall return said flowed lands on which said sum or sums remain unpaid, to the Comptroller of the state, who shall proceed to publish and collect the same, in the same manner as on lands returned for the non-payment of town and county taxes. Unpaid assessments to be returned to comptroller.

§ 4. The time for completing said work is extended to the first day of May, 1846. Time extended.

§ 5. The said commissioners, or such of them as shall act, shall faithfully apply the moneys received by them by virtue of this act, to the draining of said lands as aforesaid, and they shall be entitled to retain out of said moneys, one dollar and fifty cents per day, respectively for all the time they shall be necessarily employed by virtue of this act. Pay of acting commissioners.

§ 6. No person shall obstruct said creek in any manner, so as to impede the progress of said work, or so as to diminish its utility after it shall be completed, and any person offending against this provision, shall be deemed guilty of a misdemeanor. Creek not to be obstructed.

§ 7. The fourth, fifth, sixth, seventh and eighth sections of said act are hereby repealed. Repeal.

§ 8. This act shall take effect immediately.

CHAP. 122.

AN ACT to incorporate the *Hamilton Literary Association of Brooklyn.*

Passed March 30, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. Alden J. Spooner, Joshua M. Van Cott, Robert Cochran junior, Abraham B. Baylis, Charles R. Marvin, Harmanus B. Duryea, Henry E. Schackerly, William Barbour, Samuel H. Howard, George Howard, William Jones junior, Philip V. R. Stanton, James McLean, Daniel Trembly, John Greenwood, John S. Mackay, Samuel McLean, Samuel O. Putnam, Joseph E. Paine, Alexander Kissam, Edmund Terry, William H. Van Corporation created.

Name. Cott, Corydon S. Sperry, William K. Northall, Andrew A. Smith, S. Alpheus Smith, John P. Marvin, Wm. M. W. Cochran, Robert Shirwell, Joseph L. Brigham, Edward Filley, Benjamin Stark junior, Samuel C. Barnes, James C. Gascoyne, Rollin Sandford, David A. Bockee, J. Stanley Milford, George C. Ripley, J. Warren Hill, Edmund S. Monroe, Cornelius S. Stryker, William H. Tiffany, Howard Olmsted, Edward W. Fisk, James H. Lanman, Andrew E. Douglass, William G. Wise, James L. Campbell, Alexander Campbell, James Plant, Andrew A. O. Spooner, William J. Coffin, Arthur W. Benson, Henry W. Johnson, James Hazlet, John M. Pratt, Hiram B. Lathrop, S. Morgan Rossiter, members of the Hamilton Literary Association of Brooklyn, in the county of Kings, and all persons whom they shall hereafter associate with them, are hereby created a body corporate by the name of "The Hamilton Literary Association of Brooklyn," for the purpose of establishing and maintaining a library, reading room, literary and scientific lectures, debating exercises, and of employing such other means as may be suitable for promoting moral and intellectual improvement, with power for such purposes to take by purchase, devise or otherwise, and to hold, mortgage, transfer and convey real and personal estate to the amount of twenty-five thousand dollars.

Affairs, how to be managed.

§ 2. The powers to purchase, mortgage, transfer and convey real and personal estate, direct and manage the fiscal concerns, and contract, receive and pay the debts of the association, shall be vested in an executive committee, to consist of the president, vice-president, secretary and treasurer of the association for the time being, and five managers. A majority of the executive committee shall be necessary to form a quorum; and a majority of such quorum shall be sufficient to decide any question. The times of the meeting of said committee, and the manner in which they may be called together, shall be fixed by the by-laws of the association.

Election.

§ 3. The officers of the association shall be elected annually, or oftener, at such time, by such persons, and in such manner as the said association, in and by its by-laws, shall appoint and direct; but they may nevertheless hold over until their successors shall be chosen.

Powers of executive committee.

§ 4. All the powers of this corporation not vested in the executive committee, shall be exercised by such members, officers and committees, and according to such rules and regulations as the constitution and by-laws of the association, not inconsistent with the constitution and laws of this state and of the United States, shall from time to time direct and ordain.

Debts.

§ 5. The executive committee shall not sell or mortgage real or personal estate, nor incur debts without the assent of the association, signified in such manner as the by-laws shall direct, and they shall report their proceedings to the association, as

often as required by its vote, and the directions of the association shall be binding on the committee.

§ 6. All vacancies in any of the offices of the said corporation which may from time to time happen, shall be filled as the said corporation shall, in and by its by-laws direct and appoint. Vacancies.

§ 7. The estate, property and funds of the said corporation shall be devoted solely to the purposes and business of the said corporation as set forth and declared in and by the first section of this act; and the real estate of said corporation shall be subject to taxation in the same manner that real estate is, which is held or owned by individuals. Funds, how to be devoted

§ 8. The said corporation shall possess the powers, and be subject to the provisions and liabilities of the third Title of the eighteenth Chapter of the first Part of the Revised Statutes. General powers.

§ 9. This act shall take effect immediately.

CHAP. 123.

AN ACT to amend an act in relation to the incorporation of the village of Batavia, passed April 11, 1836.

Passed March 31, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The first section of an act to amend an act to incorporate the village of Batavia, in the county of Genesee, passed April 23, 1823, and the acts supplementary thereto, passed April 9, 1824, passed April 11, 1836, is hereby repealed. Repeal.

§ 2. This act shall take effect immediately.

CHAP. 124.

AN ACT to amend an act entitled "An act in relation to suits in justices' courts, and before courts of special sessions in the county of Albany, and for other purposes."

Passed March 31, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The first section of the act entitled "An act in relation to suits in justices' courts and before courts of special sessions, in the county of Albany, and for other purposes," passed April 30, 1841, is hereby repealed. Repeal.

CHAP. 125.

AN ACT to condense and amend the several acts relating to the village of Albion.

Passed April 1, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation created.

§ 1. The district of country in the town of Barre and county of Orleans, contained within the following bounds, that is: beginning three-fourths of a mile west from the Oak Orchard road, on the south line of the town of Gaines; thence south to and including a highway running east and west, to the southwest corner of land lately owned by Alderman Butts; thence east, including said highway, one and a half miles; thence north to the south line of the town of Gaines; thence west along said line to the place of beginning, shall hereafter continue to be known and distinguished by the name of "The Village of Albion;" and the freeholders and inhabitants residing therein shall be a corporation by the name of "The Trustees of the village of Albion."

General powers.

§ 2. The said corporation shall enjoy the privileges, and be subject to the restrictions contained in Part one, Title three, Chapter eighteen, of the Revised Statutes, so far as they may be applicable to such corporation.

Election.

§ 3. An election shall be held in said village on the second Monday in April in each year hereafter, at such place and time or times of day, as the trustees for the time being shall appoint; and of which at least six days' previous notice shall be given, by publishing the same in one of the newspapers, or putting up written or printed notices thereof, in three public places in said village. The trustees of said village shall be inspectors of all elections held under this act.

Qualification of voters.

§ 4. No person shall be allowed to vote at such election unless he shall be a citizen of the United States, and shall, at the time of offering his vote, be qualified by law to vote at any election for state officers in the town of Barre, and an actual resident of said village.

Electors to vote by ballot.

§ 5. The electors at such elections shall vote by ballot, and such ballot shall be a paper ticket, containing, written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended to be chosen; but no ballot shall contain a greater number of names of persons designated to any office than there are persons to be chosen at that election to fill such office; and such elections shall be conducted in all respects, as near as may be, as elections for state officers are by law required to be conducted; and the inspectors shall have the same power and authority, in

all respects, as near as may be, as inspectors of elections in towns possess.

§ 6. At such elections there shall be elected five trustees, and three assessors, a village clerk and one constable, who shall be electors in said village. Officers to be elected.

§ 7. If for any cause, such election shall not be held in time, as authorized by this act, or if any officers shall not have been chosen, by reason that two or more candidates have received an equal number of votes, then the inspectors shall, without delay, notify a special election, to elect the officers so omitted to be chosen, which notices shall be given in time and manner, and such special elections shall be conducted in all respects as annual elections are required to be by this act. Special election may be held.

§ 8. Vacancies in any office specified in this act, may be filled by the trustees, who shall appoint a suitable person to such office, who would be eligible to election or appointment thereto by this act, and the person so appointed shall perform all the duties, be vested with all the powers and be liable to all the penalties belonging to such office, the same as if he had been elected or appointed as herein otherwise provided; and the trustees may at any time remove from office any person appointed by them. Vacancies how to be filled.

§ 9. Any person elected or appointed to office under this act, who shall neglect or refuse to take the requisite oath, after having been duly notified of his election or appointment, for ten days, shall forfeit and pay the sum of ten dollars with costs of suit, to be collected as penalties are by this act directed, to be recovered for the use of the village. Penalty for not accepting office.

§ 10. All officers elected or appointed under this act, shall be elected or appointed annually, and shall hold their offices until others are duly chosen and qualified to succeed them. Tenure of office.

§ 11. Resignations of all village officers may be made to the trustees subject to their acceptance. Resignations.

§ 12. Every person elected or appointed to office under this act, shall, within ten days after being notified of such election or appointment, and before entering on the duties of such office, take and subscribe the oath required by the sixth article of the constitution of this state, which oath may be taken before any officer authorized by law to administer oaths, and shall be filed with the clerk. Oath of office to be taken.

§ 13. The trustees, as soon after each annual election as may be, by warrant under their hands and the seal of the corporation, shall appoint a treasurer, a street commissioner, a collector, three fire wardens, a pound keeper, a weighmaster and an inspector of wood, who shall hold their offices, and be subject to the duties and restrictions provided by law. Trustees to appoint certain officers.

§ 14. The treasurer, collector and constable, before entering on their official duties, shall severally execute bonds to the corporation, in such sums and with such sureties as shall be approved by the trustees, conditioned that they will faithfully Treasurer, collector and constable to give bond.

discharge all the duties of their respective offices, and account for and pay over all money belonging to the corporation that may come into their hands, according to law. The bond to be given by such constable, shall also contain a condition by which such constable and his sureties shall severally agree to pay to each person who may be entitled thereto, all money said constable may become liable to pay, on account of any execution which shall be delivered to him for collection.

President.

§ 15. The trustees shall elect one of their number president of the board of trustees, who shall be the presiding officer of the corporation; who shall receive complaints of the breach of any by-laws, see that the by-laws, rules and regulations are duly executed and observed, and who shall prosecute, in the name of the trustees of the village of Albion, all offenders against such by-laws, and for the recovery of any penalty or forfeiture belonging to the corporation, and do such other acts and things as may be proper for him, as president of the board of trustees.

Clerk.

§ 16. The clerk shall attend and act as clerk at all meetings of the inhabitants, duly called on business of the corporation, and at all meetings of the trustees, when required by them to do so, record their proceedings, keep all books and papers and the seal of the corporation, and deliver the same to his successor, on demand, attend to the publication of all by-laws and ordinances as the trustees shall direct, and notify all persons of their election or appointment to office under this act.

Constable.

§ 17. The constable shall possess the same powers, rights and privileges, and be subject to the same duties and liabilities, and entitled to the same fees for services, as belong to constables in the town of Barre. He shall also perform such duties as may be required of him by the by-laws of the corporation.

Treasurer's duty.

§ 18. The treasurer shall receive all money directed to be paid into the treasury of the corporation, and pay out the same on the warrant or order of the trustees, and shall render an account of the state of the finances to the trustees whenever required by them, and shall deliver all money, books, papers and property of the corporation, in his hands, to his successor, on demand. Every such warrant shall specify the purpose for which the amount specified therein is to be paid.

Assessors.

§ 19. The assessors shall make out and deliver to the board of trustees, valuations of estates, real and personal, assessments and assessment rolls, with apportionments of taxes annexed thereto, whenever they shall be required by the trustees to do so, as hereinafter provided by this act.

Fire Wardens, &c.

§ 20. The fire wardens, pound master, and all other officers appointed by the trustees, shall perform such duties as shall be required of them by the by-laws of the corporation.

Fire department.

§ 21. The trustees are authorized and empowered to organize and establish a fire department, to consist of not exceeding

two engine companies and not exceeding two hook and ladder companies, with a sufficient number of members, not exceeding thirty, to each company, with the consent of the individual so to be appointed.

§ 22. Every member of the fire department so long as he shall remain such member, shall be exempt from serving on juries in courts of justices of the peace, and from one day's service on highways; and a certificate of being such member under the hand of the clerk, made within the year in which such exemption is claimed, shall be presumptive evidence to entitle him to such exemption in all courts Privileges of firemen.

§ 23. The trustees are authorized to appoint a chief engineer, and one or more assistant engineers of the fire department. The chief engineer, and in his absence the senior assistant engineer present, shall have the direction and control of the fire department, subject to such regulations as shall be prescribed by the by-laws of the corporation. Chief engineer.

§ 24. Every member of the fire department, who shall at the time of any fire, refuse to obey the orders of the chief engineer, or in his absence of the senior assistant engineer present, shall for every such offence forfeit such penalty as shall be prescribed by the by-laws of the corporation, not exceeding ten dollars. Penalty for disobeying engineer.

§ 25. The trustees may remove any member of the fire department for misconduct, after giving five days' notice to show cause against such removal.

§ 26. Any person may take up any cattle, horses, swine, geese or other animals found doing damage, or running at large in said village, contrary to any by-law, and put the same immediately in the village pound, without first confining them in any other place, or having his damages assessed, and may recover the damages which has been done, or the penalty incurred for running at large, as the case may be, in such manner as shall be provided in the by-laws of said corporation; and it shall be the duty of the pound keeper to receive such animal and detain it in pound until discharged according to law. Cattle and horses may impounded.

§ 27. The trustees may direct the assessors to assess upon the taxable inhabitants of said village, any sum which a majority of the legal voters present at any annual or special meeting called for that purpose, shall direct and authorize, for defraying the contingent expenses of the corporation, and for any special object, not exceeding five hundred dollars in one year, exclusive of all highway taxes and street expenses, authorized by this act, and may cause the same to be levied and collected of the real and personal estate of the inhabitants of said village. In assessing any such tax, the assessor shall apportion the same among the taxable inhabitants of the corporation and non-resident owners of property therein, in just proportion, according to the last assessment roll of the village, or according to a new one, when thereunto required by the trustees, and a new as- Assessment of taxes.

assessment roll shall be made once in each year at least. Ten days' notice, posted in three public places in said village, of the time and place at which the assessors will meet to review the assessment roll, shall be given, and any person liable to taxation, who shall consider himself aggrieved by such assessment, may, in ten days after such roll is completed by the assessors, appeal therefrom to the trustees, by giving the assessors notice in writing of such appeal, and of the time and place of determining thereon by the trustees, who shall hear the same and do justice in the premises. When the assessment roll is completed, the assessors shall deliver the same to the president with their certificate annexed thereto, signed by a majority of them. In case any person shall neglect or refuse to pay his or her tax, the collector shall levy the same by distress and sale, the same as collectors of town taxes are authorized to do.

Owners or
occupants
to be assessed.

§ 28. All assessments for taxes upon real estate shall be against the owner or occupant, and may be collected from either; and if paid by the occupant, may be recovered by him in an action against the owner, for money paid by him at his request. Any sum directed to be raised for a specific improvement which the trustees shall judge to be local, (other than for street expenses,) shall be assessed by the assessors on or among the owners or occupants of real and personal estate in said village, in a just proportion, as near as may be, to the benefit which each person so taxed shall be deemed to receive from such improvement; and like notice of every such assessment, and of any appeal therefrom to the trustees, shall be given as is provided in section twenty-seven of this act; and on such appeal the trustees may confirm or alter such assessment as they may deem just; and in making out a tax list for any purpose under this act, the per centage of the collector not less than three nor more than five per cent, as the trustees may direct, may be added to the sum so to be raised, and collected as a part of such tax in addition thereto.

Tax to be a
lien on
lands.

§ 29. Every tax or assessment authorized by this act shall be a lien on the lands and premises upon which the same shall be assessed, and when any such tax or assessment shall be returned by the collector, on the warrant issued to him, unsatisfied by reason that no personal property liable to be distrained for such tax can be found by him, it shall be lawful for the trustees of said village at any time within two years next thereafter, to cause such real estate, or such part thereof as they shall see fit, to be sold at public auction for the payment of such tax or assessment, or such part thereof as shall remain unpaid, and the interest thereon, together with the expenses of advertisement and sale. Public notice of such sale shall be given in the manner, and for the time required by law in case of sale of real estate on execution. All such sales shall be in the village of Albion, and for the shortest term of time for which any person will take such premises, and pay the assessment, interest and

Land may
be sold for
taxes.

expenses ; and the right of redemption in all cases of such sale shall exist to the owner or owners, and his, her or their legal representatives and creditors, for the same time, to the same extent, in the same order and on the like conditions, as is provided by law in case of sale of real estate on executions ; upon such sale, the president of the board of trustees shall give the purchaser or purchasers, a certificate in writing, under the corporate seal, containing a brief description of the premises, and the time for which the same was sold, the amount of tax or assessment, interest and expenses, and the time when the purchaser or purchasers will be entitled to a lease for the said premises, if the same shall not be redeemed, and shall cause a duplicate of such certificate to be filed in the office of the clerk of the county of Orleans. The proceedings shall be discontinued at any time before sale, upon any person paying to the village treasurer the amount of such tax or assessment, with the interest, and two dollars in addition to the printer's bill ; and if the premises are sold, three dollars in addition to the printer's bill may be charged for the expenses of such sale, and such certificates as aforesaid ; and if the premises are not redeemed, the trustees shall execute to the person or persons entitled thereto, a lease of the premises so sold, under the corporate seal, and signed by their president, for the term for which the same were sold, to be computed from the expiration of fifteen months from the day of such sale, which lease shall be presumptive evidence that such tax was legally imposed, and of the regularity of the proceedings and sale, for which the trustees may charge the sum of two dollars, on delivery thereof to the purchaser. And such lessee or lessees, his, her and their executors, administrators and assigns, may, by virtue of such lease, obtain possession of said premises in the manner prescribed by law in relation to persons holding over real estate sold under execution ; and shall, and may lawfully enjoy said premises during the term specified in such lease, against the owners thereof, and all persons claiming under them, and shall be at liberty within thirty days after the expiration of said term to remove all buildings put on said premises during the said term in the right of such occupancy.

Lease confirmed if not redeemed.

§ 30. It shall be the duty of the owners and occupants of lots bounding on the streets in said village, to construct and keep in repair sidewalks opposite their respective lots, in such time and manner, and of such materials as the trustees may by by-law or ordinance for that purpose direct, and if any such owner or occupant shall refuse or neglect to construct or repair the sidewalks opposite the lot or lots owned or occupied by him as aforesaid, when so directed to do by the trustees as aforesaid, then in either case, it shall be lawful for the trustees to cause such sidewalks to be so constructed or repaired by the corporation, for and on account of the owner of such lot ; and such owner shall be liable to pay the expenses of such repair

or construction ; and all sums so expended upon such sidewalk, not exceeding fifty dollars in any one year, after being audited by the trustees, by a vote of their board, shall thenceforth be an assessment or tax to that amount upon every such lot ; and thereupon it shall be lawful for the trustees to advertise and sell such lot, in the manner prescribed in section twenty-nine of this act ; and the purchaser or purchasers, and the owner or owners, and his, her and their heirs, executors, administrators, assigns and creditors, shall have the same rights and privileges as are given them respectively in and by said section.

Highways.

§ 31. The said village is hereby exempt from the superintendence of the commissioners of highways of the town of Barre ; and the said trustees shall, within the bounds of said village, have all the powers of commissioners of highways of towns, and shall perform all the duties which by law are enjoined upon commissioners of highways, and be subject to like restrictions and appeals not inconsistent with the provisions of this act ; said trustees shall also be fence viewers within said village, and have all the powers which are or may be conferred by law on the fence viewers in towns in this state.

Highway labor.

§ 32. All assessments of highway labor in said village shall be paid and collected in money, at and after the rate of sixty-two and a half cents for each day's labor ; but any inhabitant liable to assessment for highway labor in said village, may work out his assessment in the manner now provided by law subject to the direction of the street commissioner.

Paving, &c.

§ 33. The expenses of working, repairing, paving, improving and cleaning the streets, shall be denominated street expenses, and shall be provided for as follows :

Estimate of expense.

1. As soon as may be after the annual election in each year of officers of the corporation, the trustees shall estimate and assess the amount of such street expenses for the ensuing year, which shall be at least equal to the value of an assessment of three days' labor on each taxable inhabitant of the corporation, estimating each day's labor at sixty-two and a half cents.

Amount for each male.

2. Every male inhabitant of said corporation being above the age of twenty-one years, (excepting ministers of the gospel, priests of any denomination, paupers and lunatics,) shall be assessed one day's labor or sixty-two and a half cents.

Non-residents.

3. The assessors shall apportion and assess the residue of the said street expenses upon the estates real and personal, of the inhabitants of the corporation, and non-resident owners of property therein as the same shall appear from the last assessment roll of the corporation.

List of inhabitants and nonresidents to be made.

4. The assessors shall make a list of all the inhabitants of the corporation, and non-resident owners of real or personal estate, who are by this act liable to be assessed for street expenses in the corporation, and shall place opposite the name of each person contained in such list, the sum and number of days work assessed against such person. The assessors shall

also make out a list of the names of all taxable inhabitants of the corporation, who are not possessed of real and personal estate in the corporation liable to taxation, and shall deliver such lists, certified by a majority of the assessors to the trustees.

5. The trustees shall annex their warrants, signed by them to such lists, and then deliver the list containing the tax on property to the collector, who shall proceed to collect the several sums specified therein, in the same manner as other taxes are by law directed to be collected; and he may have the like remedy by distress and sale against the property of any person named in such list, who shall neglect or refuse to pay such tax, such tax when collected shall be paid by the collector to the treasurer.

Lists to be annexed to warrants.

6. The trustees shall deliver the list containing the tax against persons only, with their warrant so annexed to the street commissioner, who shall possess the same powers, and shall perform the same duty in relation to the collection and working such tax specified in such list as overseers of highways of towns possess by law.

§ 34. It shall be the duty of the street commissioner to superintend the working, paving, repairing, improving and cleaning the streets; and in the discharge of his official duties he shall always be subject to the direction of the trustees. It shall also be his duty to superintend the construction and repairing of sidewalks, when directed so to do by the trustees, and to perform any other duty relating to streets, sidewalks, drains, sewers, walls, cisterns, reservoirs, or lighting the streets, that may be required of him by the by-laws of the corporation. But no account for expenditures under this section shall be paid until the same shall be audited by the trustees, and a warrant or order drawn on the treasury for that purpose, to be paid out of the fund raised as aforesaid, for street expenses, which fund shall be kept and known as the road fund.

Duty of street commissioner.

§ 35. The word streets, as used in this act, shall comprehend all parks, public squares, highways, lanes, streets and alleys within the corporation.

Parks, &c.

§ 36. The trustees are authorized and empowered to lay out, alter, open, or discontinue any street in any part of the corporation, of such width as they may think proper, but no street shall be laid out, altered, or discontinued, except upon the petition of twelve freeholders of the corporation.

Power to lay out streets.

§ 37. Appeals may be taken to the judges of the court of common pleas of Orleans county, from the decision of the trustees, laying out, altering, or refusing to lay out or alter, any street in the corporation, to be conducted and decided in all respects, in time and manner, the same as appeals from commissioners of highways of towns.

Appeals.

§ 38. The amount of damages any person may sustain by opening or widening any street through his grounds, may be settled by agreement between him and the trustees: when

Damages how ascertained and paid.

such damages are not so settled, the same shall be assessed by a jury of twelve freeholders, residents of the town of Barre, but not of the corporation. Such jury may be summoned by any constable of the county of Orleans, not residing in the village of Albion, by virtue of a venire to be issued by a justice of the peace of the town of Barre; and notice of the time and place of holding the inquiry shall be given by such constable to the trustees and to the person claiming such damages. Any such justice of the peace, when applied to for that purpose, shall issue a venire returnable before him, not more than six days nor less than two days from the date thereof; and he shall hold a court of inquiry of damages in the premises, administer the proper oaths to the jury and witnesses, and shall deliver certificates of the verdict of the jury to the trustees, and to the persons claiming such damages; and such justice and constable and jury shall be entitled to the same fees for such services as in other similar cases. No such street shall be opened or altered, worked or used, until such damages shall have been assessed or agreed upon as aforesaid, or released by the person through whose grounds such street shall be laid out or altered.

Expenses
how defrayed

§ 39. The expense of laying out, altering and opening streets, and paying damages therefor, shall be defrayed from the treasury of the corporation with the other contingent expenses.

Penalty.

§ 40. Every person who shall be convicted of wilful breaking the common pound of said village for the purpose of rescuing any animal confined therein by the authority of said village, shall be adjudged guilty of a misdemeanor.

Finances
and property

§ 41. The trustees shall have the management and control of the finances, and of all the property, real and personal, belonging to the corporation, and shall have power within said village to make, establish, publish, alter, modify, amend and repeal ordinances, rules, regulations and by-laws, for the following purposes:

By-laws and
police regulations.

1. To prevent and suppress any riot or noise, disturbances, or disorderly assemblages.

2. To regulate, suppress and restrain houses of ill-fame, and disorderly houses, billiard tables, nine-pin or ten-pin alleys, or tables and ball alleys, and to authorize and cause the removal or destruction and demolition of all instruments, apparatus and devices used for the purpose of gambling.

3. They shall have sole power to regulate, permit or prohibit the exhibitions of common showmen and shows and exhibitions of every kind, or the exhibitions of any natural or artificial curiosities, caravans, circuses, theatrical performances, or other exhibitions or performances for money.

4. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house, ditch, pond, or place, to cleanse, remove or abate the same, from time to



time, as often as may be necessary for the health, comfort and convenience of the inhabitants of said village.

5. To regulate the location of all slaughter houses, and places where cattle, sheep or swine may be slaughtered.

6. To regulate the keeping of gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns and stables

7. To prevent horse racing, immoderate riding and driving in the streets.

8. To prevent incumbering the streets, sidewalks, lanes, alleys, wharves and docks, with carriages, carts, sleds, sleighs, wheelbarrows, boxes, timber, lumber, firewood, or any other substance or materials whatever, and to cause the same to be removed.

9. To regulate or prohibit bathing and swimming in the canals or basins in said village.

10. To restrain, and arrest vagrants, mendicants, street beggars, and common prostitutes, and cause the same to be dealt with according to law.

11. To restrain and regulate the running at large of cattle, horses, sheep, goats, swine and geese, and to authorize the distraining, impounding and sale of the same, for any penalty incurred by such animals, and all costs of proceedings.

12. To prevent the running at large of dogs owned by residents in said village, and to authorize the destruction of the same, when at large contrary to the ordinance.

13. To prohibit any person from depositing or having within the bounds of said corporation, any dead carcass, or other unwholesome substance, and to require the removal or destruction by any person who shall have on or near his premises, any such carcass, or any putrid animal substance of any kind, and on his default, to authorize the removal or destruction thereof, by some officer of the corporation.

14. To prohibit or regulate the rolling of hoops, playing at ball, flying kites, or any other amusement or practice having a tendency to annoy persons passing on the streets or sidewalks, or to frighten teams or horses in said village.

15. To compel all persons to keep snow, ice and dirt from the sidewalks in front of the premises owned or occupied by them.

16. To regulate the ringing of bells, crying of goods and other things in said village, and to regulate all sales of personal property at auction.

17. To remove and abate all nuisances.

18. To make, establish and regulate public wells, sewers, pumps, cisterns, reservoirs, and the means of supplying water in said village.

19. To provide watchmen when necessary, and prescribe their duties and compensation, and to provide for lighting the streets.



20. To regulate, and in such places and times as they may think proper, to restrain the firing of guns, squibs, pistols, rockets, fire-balls, or any thing else charged with gunpowder, or any other explosive or highly inflammable material.

21. To provide for the purchasing and repairing of any apparatus for extinguishing fires, and to provide suitable places for depositing the same, and all other apparatus and moveable property belonging to said village; and to provide generally, all precautionary and proper measures and things to prevent and remove danger from fires, and for extinguishing fires, and for the removal and protection of property exposed to fire.

22. To regulate cartmen and cartage.

23. To establish and regulate public pounds.

24. To compel the owners of lots and grounds bounding on any street or public highway, to construct sidewalks in front thereof, and to cover such sidewalks with gravel or planks, or to flag them with brick or stone, and keep the same in repair.

25. To purchase, establish and regulate hay scales, and to appoint weigh-masters and regulate their fees and duties.

26. To regulate the selling and measuring of wood, lime and coal, and to appoint suitable persons to superintend and conduct the same.

27. Relative to burying grounds and cemeteries, and the manner of burying the dead in said village, and in any burying grounds that may be procured for that purpose by said village.

28. To provide for grading and levelling any public squares or grounds in said village, and for setting and protecting ornamental and shade trees.

29. For regulating markets, grocers and groceries, keepers of victualing houses, and houses where fruit, provisions and liquors are sold; and generally the trustees may from time to time make and establish by-laws as may be necessary and proper for carrying into full effect the purposes of this act, and such as may concern the safety, advantage and good government of said village; but such by-laws shall not be contrary to or inconsistent with the laws of this state, or of the United States, but all such by-laws shall be published in such manner as the trustees shall direct before they take effect.

By-laws
how to be
enforced.

§ 42. The trustees may enforce the observance of all rules, ordinances, by-laws and police regulations, made in pursuance of this act, by imposing penalties on any person violating the same, not exceeding twenty-five dollars for any one offence, to be recovered with costs of suit in manner prescribed in the forty-third section of this act.

Actions
how to be
brought.

§ 43. All actions brought to recover any penalty or forfeiture incurred under this act, shall be brought in the said corporate name; and in any such action it shall be lawful to declare generally in debt for such penalty or forfeiture, stating the sec-

tion of this act, or the by-law or ordinance under which such penalty or forfeiture is claimed, and to give the special matter in evidence; and the defendant may plead the general issue and give the special matter in evidence, and the party in whose favor judgment is rendered, shall recover costs as in other cases; the first process in any such action when brought before a justice of the peace, may be a summons or warrant, and execution may be issued thereon immediately on the rendition of the judgment; if the defendant in any such action have no goods or chattels, lands or real estate, whereof such judgment can be collected, within the jurisdiction of the officer to whom the execution in such case shall be delivered to be executed; such execution may require the defendant to be imprisoned in the jail of Orleans county, for a term not exceeding thirty days, in the discretion of the justice. All expenses incurred in prosecuting for the recovery of any penalty or forfeiture under this act shall be defrayed by the corporation, and all penalties and forfeitures when collected shall be paid to the treasurer for the use of the corporation; the trustees may remit penalties wholly or in part in their discretion.

§ 44. The trustees are hereby authorized to provide by by-law for the payment of such compensation as they may deem proper, to the several officers elected or appointed for their official services under this act; but the compensation allowed to the street commissioner shall not exceed one dollar and fifty cents, nor be less than one dollar for each day actually employed in the duties of his office. Payment of officers.

§ 45. The village of Albion is hereby authorized to purchase and hold real estate for the purpose of a cemetery, situate in or out of the corporation limits of said village, in the same manner in all respects as the said village is now authorized to purchase and hold real estate within the same; and said village may in like manner sell and convey the same or any part thereof. Cemetery.

§ 46. No person shall be an incompetent justice, judge, juror, constable or witness, by reason of his being an inhabitant, or freeholder in said village, in any action or proceeding in which said village is a party, or interested, except as herein provided. Inhabitants competent as jurors, &c.

§ 47. All former acts relating to the village of Albion are hereby repealed, but such repeal shall not affect any act done, or right secured, or established, or any suit, proceeding or prosecution had or commenced previous to the time when such repeal shall take effect, but every such act, right or proceeding shall remain as valid and effectual as if said acts had remained in force; and all officers elected or appointed under or by virtue of any act hereby repealed, shall continue in office until and including the second Monday in April next; and all estates, real and personal, vested in or belonging to the village of Repeal.

Albion, when this act shall take effect, shall continue to be vested in and belong to said village.

§ 48. This act shall take effect immediately.

CHAP. 126.

AN ACT to amend an act entitled "An act to incorporate the village of Lockport," passed March 26, 1829.

Passed April 1, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Assistant
engineer.

§ 1. In addition to the powers granted to the trustees of the village of Lockport, in the twenty-second section of the act entitled "An act to incorporate the village of Lockport," passed March 26, 1829, the said trustees are hereby authorized to appoint a senior assistant engineer of the fire department and a junior assistant engineer of the fire department and to prescribe their powers and duties.

Privileges of
firemen.

§ 2. Every fireman and hook and ladderman, shall so long as he shall remain a fireman or hook and ladderman, be exempt from serving on juries, and in the militia, except in cases of insurrection, invasion or to execute the laws of this State, and every person who shall have served ten years as a fireman or hook and ladderman including the time he may have so served before the passage of this act, shall, thereafter be entitled to the like exemption, and a certificate of such service, with a copy of this section, authenticated by the signature of the president of the board of trustees, and the seal of the corporation shall be legal evidence, before all courts and officers, civil and military, of such exemption.

Taxes how
to be assess-
ed.

§ 3. Whenever any tax for the expenses of said village, shall be directed to be levied and collected, the assessors shall apportion the same among the taxable inhabitants of the corporation and the non-resident owners of personal or real estate within the corporation, and, it shall be the duty of the said assessors to assess all such property, both real and personal, whether owned by resident or non-resident inhabitants, in just proportions, according to the last assessment roll of the village, or according to a new one, when thereunto required by the trustees, and a new assessment roll shall be made at least once in each year; the assessors shall give ten days notice, by posting the same in writing, in three public places in said village, of the time and place at which the assessors will meet to review the assessment roll and when it shall have been reviewed and completed, the assessors shall deliver the same to the president with their certificate, annexed thereto signed by a majority of them.

§ 4. Whenever any person upon whose estate or property any tax shall be assessed, shall refuse or neglect to pay the same, and there shall be no personal property found whereon the same can be levied, or out of which such tax can be collected, the collector shall make return thereof to the trustees, who are authorized to cause the estate on which such tax was assessed, to be sold at public auction for a term of time, for the payments of such tax, giving six weeks' notice of such sale, in one or more newspapers published in said village, and the same shall be sold to the person who shall offer to take it for the shortest term for the payment of such tax with interest, and the expense of such notice and sale; such notice shall contain a brief description of the premises, the amount of the assessment, and the purposes for which the same was made and requiring such owner or owners to pay the same by a day therein specified; at the time and place mentioned in the notice; the real estate so advertised shall be sold under the direction of the trustees by the collector who shall act as auctioneer, or in case of his absence or refusal to attend, then by such person as the trustees may appoint.

Real estate may be sold for taxes.

§ 5. Whenever any real estate shall be sold for the collection of any village tax, and the owner thereof, his heirs or assigns, shall not within one year thereafter, have paid or tendered to the purchaser or his representatives, the amount of such tax, and all expenses which have accrued, together with interest, at the rate of ten per cent per annum, the trustees shall deliver to the purchaser thereof a certificate of such sale under the seal of the said corporation, and signed by the president, the execution of which may be proved or acknowledged in the same manner deeds are, and may then be recorded in like manner, and with the like effect, as in the case of other conveyances of the title of lands.

Certificate of sale when to be given.

§ 6. The purchaser at any such sale, on receiving such certificate, or his executors, administrators or assigns may immediately enter into possession of such real estate, and shall hold, occupy and enjoy the same during the term for which it was sold.

Right of purchaser.

§ 7. The person in possession of real estate, shall be liable to pay the taxes assessed thereon, and shall have the right to collect of the person or persons, who by agreement or otherwise ought to pay the same.

Possessor liable to pay taxes.

§ 8. In all cases of sales of real estate, under said act of incorporation for the non-payment of taxes or assessments thereon, no more than six weeks' notice in a newspaper printed in said village shall be necessary, and the expenses of making such sale, shall not in any case, exclusive of the fees for advertising exceed the sum of two dollars, to be a charge upon the property sold.

Notice in newspapers.

Repairs of
sidewalks,
streets, &c.

§ 9. Whenever under said act of incorporation it become^d the duty of the trustees to cause any making or reparation of sidewalks, streets, flagging or paving of the same, or the making or alteration of any crosswalks, gutters, drains, or the reparation of the same, they shall first offer to let the person or persons at whose expense it is to be done, do the same at the price or cost at which the same may be assessed, and on refusal, after reasonable notice, the said trustees may and shall then contract with any other person to do the same for the lowest price at which such work can be done, and in no case shall said trustees contract with one or more of their own number to do such work, nor shall said trustees appoint any one or more of their number a street commissioner.

Pay of trustees.

§ 10. From and after the passage of this act, the trustees of said village shall not be entitled to receive pay for their services as such trustees, except when upon the question being submitted to the meeting called from year to year, to vote a tax for contingent expenses of said village, a majority of those present shall vote in favor of paying them a compensation and fix the amount of it.

Repeal.

§ 11. All provisions of said act of incorporation and amendments thereto heretofore made, which are inconsistent with this act, are hereby repealed, and this act shall take effect immediately.

CHAP. 127.

AN ACT to amend the several acts relating to the village of Lansingburgh.

Passed April 1, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Persons entitled to vote.

§ 1. All persons residing in the village of Lansingburgh, who have paid a road tax, within the preceding year, and who shall also be entitled to vote at town meetings, shall be entitled to vote for all officers elected by ballot in said village.

§ 2. This act shall take effect immediately.

CHAP. 128.

AN ACT to incorporate the Pittsford Cemetery Association.

Passed April 5, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Ira Bellows, Alexander Voorhees, William L. Reynolds, Joseph S. Birdsall, Henry S. Potter, Rufus C. Reynolds, and such other persons as may hereafter associate with them, are hereby constituted a body corporate, by the name of the "Pittsford Cemetery Association," with power to take, hold, and convey real and personal estate in the town of Pittsford, county of Monroe, to the use of the said corporation, to an amount not exceeding five thousand dollars. Corporation created.

§ 2. The estate, stock, property, and affairs of the said corporation shall be managed by five trustees, to be elected in the manner hereinafter directed, who shall hold their offices for three years and until others shall be chosen in their places. The five persons first named in the first section of this act shall be the first trustees, and shall hold their offices until the first Monday in June, eighteen hundred and forty-three, and until others be chosen. Affairs how managed.

§ 3. The said corporation may acquire, take, and hold a lot or tract of land, not exceeding ten acres, which land, when acquired by said corporation or their grantees, shall be used exclusively as a cemetery or place for burial of the dead, and for this purpose it shall be surveyed and subdivided into lots of a convenient size, and numbered, and a map of said survey shall be filed in the office of the clerk of the county of Monroe. When the said map shall be filed, the said trustees may sell and convey such plats or lots, (reserving a section sufficiently large, which shall forever be devoted, free of expense, for the benefit of the stranger, and those who may be unable to purchase,) on such terms and at such prices as they shall agree on; which conveyances shall be made under the seal of the said corporation, and signed by the president and secretary thereof: but all moneys obtained by such sales shall be applied by said trustees to the payment of the purchase money of the land acquired by said corporation, and to improving and embellishing the same as a cemetery. Land may be acquired.

§ 4. An election shall be held on the first Monday of June, eighteen hundred and forty-three, and on every first Monday of June, triennially, thereafter, at such time and place in the village of Pittsford, in the county of Monroe, as the trustees shall appoint. Notice of such election shall be given, by posting a notice thereof in three public places in said village of Pittsford, at least fourteen days previous to the time of holding the same. The election shall be by ballot, and every Election.

owner of a plat or plats shall have a vote for every plat he may own ; and the five persons, being plat owners, who shall have a majority of all the votes given, shall be declared duly elected trustees. The trustees shall have power to fill any vacancy which may occur during their term of office ; and if it shall so happen that an election shall not be had on the day designated by this act, the corporation shall not for that cause be dissolved, but the election may be held on any other day, giving notice thereof as herein before directed.

Cemetery
exempt from
taxes, &c.

§ 5. The said cemetery shall be, and hereby is declared exempted from all public taxes, rates, or assessments, and shall not be liable to be sold on execution, or be applied in payment of debts due from any individual proprietor or proprietors ; but they and their heirs, devisees or assigns may forever hold the same, entirely and totally exempted therefrom, so long as the same shall remain dedicated to the purposes of a cemetery.

General
powers.

§ 6. The said corporation shall possess the general powers, and be subject to the liabilities and provisions contained in Title third of Chapter eighteenth of Part first of the Revised Statutes.

§ 7. The Legislature may at any time alter, amend or repeal this act.

CHAP. 129.

AN ACT to amend the " Act concerning the firemen of the village of Williamsburgh," passed April 30, 1839, and for other purposes.

Passed April 5, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Privileges of
firemen.

§ 1. Every person who is now a fireman, or may hereafter become a fireman of the village of Williamsburgh, and shall have a certificate from the board of trustees of said village, certifying his appointment, signed by the clerk of said board, and also by the treasurer of the fire department, that he has served for the term of ten years from the time of his appointment, shall thereafter be exempt from any further duty as fireman, and be entitled to all the benefits and privileges which are by law now allowed to the firemen of said village.

Additional
firemen may
be appointed.

§ 2. It shall be lawful for the trustees of the said village to appoint, in the manner now provided by law, such additional number of the inhabitants of said village to act and serve, as they may from time to time deem necessary and determine upon by ordinance ; and the same when so appointed shall perform all

the duties and be entitled to all the privileges of the firemen heretofore appointed in said village.

§ 3. This act shall take effect immediately.

CHAP. 130.

AN ACT *respecting elections other than for militia and town officers.*

Passed April 5, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

TITLE I.

Of the qualifications, disabilities and privileges of electors.

SEC. 1.—Qualification of voters, except persons of color.

SEC. 2.—Qualifications of persons of color.

SEC. 3.—Persons convicted of infamous crimes not to vote unless pardoned.

SEC. 4.—No civil process to be served on an elector during election.

§ 1. Every male citizen of the age of twenty-one years, who shall have been an inhabitant of this state one year next preceding any election, and for the last six months a resident of the county where he may offer his vote, is entitled to vote in the town or ward where he actually resides, and not elsewhere, for all officers that now are, or hereafter may be, elective by the people. Qualifications.

§ 2. No man of color shall vote at any such election, unless he shall have been for three years a citizen of this state; and for one year next preceding the election at which he shall offer his vote, shall have been seised and possessed of a freehold estate of the value of two hundred and fifty dollars, over and above all debts and encumbrances charged thereon; and shall have been actually rated and paid a tax thereon. Disabilities.

§ 3. No person who shall have been convicted of an infamous crime, deemed by the laws of this state a felony, at any time previous to an election, shall be permitted to vote thereat; unless he shall have been pardoned before or after his term of imprisonment has expired, and restored by pardon to all the rights of a citizen. Privileges.

§ 4. Whenever an election shall be held in any city or town, pursuant to this Chapter, no declaration by which a suit shall be commenced, or any civil process, or proceeding in the nature of civil process, shall be served on any elector entitled to vote in such city or town, on the day on which such election shall be held.

Restrictions. § 5. No court shall be opened, or transact any business, in any city or town on the day such election shall be held therein, unless it be for the purpose of receiving a verdict or discharging a jury, ~~or the naturalization of foreigners~~; and every adjournment of a court in such city or town, on the day next preceding the day any such election shall be held therein, shall always be to some other day than the day of such election, except such adjournment as may be made after a cause has been committed to a jury. But this section shall not prevent the exercise of the jurisdiction of any single magistrate, when it shall be necessary in criminal cases to preserve the peace, or to arrest offenders.

TITLE II.

Of general and special elections; the time and purpose of holding them; and the persons by whom held.

General elections. § 1. General elections are such as are held at the same time in every county, for the election of all, or some of the following officers, namely, Governor, Lieutenant-Governor, senators, members of assembly, sheriffs, clerks of counties, coroners, representatives in congress, and electors of president and vice-president.

Ibid. § 2. The register and clerk of the city and county of New-York, shall also be chosen at a general election.

Special elections. § 3. Special elections are such as are held only in a particular district or county, at a time when no general election is held, for the choice of one or more of the officers proper to be chosen at a general election.

When held. § 4. General elections shall be held on the Tuesday succeeding the first Monday of November in every year; special elections at the times and places of which legal notice shall have been given; but no special election shall be held within forty days previously to a general election.

Duration. § 5. General and special elections shall be held for one day only.

Special elections. § 6. Special elections shall be held in the following cases:

1. When an officer other than a Governor, Lieutenant-Governor and elector of president and vice-president, proper to be chosen at a general election, shall not have been chosen by reason of two or more candidates having received an equal number of votes for the same office.

2. When the right of office of a person elected to the office of a representative in congress, senator, member of the assembly, sheriff, or clerk of any county, or sheriff, clerk, or register of the city and county of New-York, shall cease before commencement of the term of service for which such officer shall have been elected.

3. When a vacancy occurs in the office of any member of ^{Vacancies.} assembly after the last day of December in any year, and before the first day of April following, if such vacancy shall deprive a county of its entire representation.

4. When in case of an extra session of the legislature, ^{Ibid.} any county shall by a vacancy in the office of member of assembly, occurring between the first day of April, and ten days before the time appointed for such extra session, be deprived of its entire representation.

§ 7. When a special election shall not have taken place as ^{Ibid.} required by law, the vacancy which ought to have been supplied by such election shall be supplied at the next general election.

§ 8. All vacancies in the office of representative in congress, ^{Ibid.} senator, sheriff and clerk of any county, or sheriff, clerk or register of the city and county of New-York, shall be supplied at the general election next succeeding the happening thereof; but when the term of service of any such officer will expire at the end of the year during which the vacancy in his office shall occur, no person shall be chosen to supply such vacancy; but the usual election shall be held for a new officer to hold during the constitutional term.

§ 9. If a vacancy proper to be supplied at a general election, ^{Ibid.} shall not have been supplied at the general election next succeeding the happening thereof, a special election to supply such vacancy shall then be held.

§ 10. Special elections in the first case provided for in the ^{Special elections, how ordered.} sixth section of this Title, shall be ordered by the board of canvassers having the power to determine on the election of the officer omitted to be chosen: and in all other cases, such election shall be ordered by the Governor, who shall issue his proclamation therefor.

§ 11. Such proclamation shall specify the county or district ^{Proclamation.} in which such special election is to be held; the cause of such election; the name of the officer ~~now~~ whose office the vacancy has occurred; the time when his term of office will expire; and the day on which such election is to be held, which shall not be less than twenty nor more than forty days from the date of the proclamation.

§ 12. The elections in the several cities and towns shall be ^{Elections, how held.} by election districts.

TITLE III.

Of the mode of notifying general and special elections.

ART. 1.—Of the notice to be given by the Secretary of State.

ART. 2.—Of the notices to be given by the county and State canvassers.

ART. 3.—Of the notices to be given to town officers; the formation of election districts, and the appointment of inspectors of election thereof.

ARTICLE FIRST.

Of the notices to be given by the Secretary of State.

Governor
and Lieut.
Governor's
election.

§ 1. The Secretary of State shall once in every two years, between the first day of July and the first day of September, immediately preceding the expiration of the term of office of the Governor and Lieutenant-Governor last chosen, direct and cause to be delivered to the sheriff, clerk, or first judge of each county, a notice in writing, that at the next general election, a Governor and Lieutenant-Governor are to be elected.

Senators
and county
officers.

§ 2. He shall also, between the first days of July and September in each year, direct and cause to be delivered to the sheriff, clerk, or first judge of each county, a notice in writing, specifying the names of the senators for the district to which such county shall belong, whose term of service shall expire on the last day of December thereafter, and a like notice, specifying the several officers to be chosen in such county, at the then next general election.

Vacancies.

§ 3. If any vacancy shall exist in a county, proper to be supplied at the ensuing general election, he shall in like manner, between the first day of July and the fifteenth of October previous to such election, direct and cause to be delivered to the sheriff, clerk, or first judge of such county, a notice in writing, specifying the cause of such vacancy; the name of the officer in whose office it has occurred, and the time when his term of office will expire; and if any such vacancy shall exist in a district, he shall in like manner direct and cause to be delivered to the sheriff, clerk, or first judge of each county therein, the like notice.

Special elec-
tions.

§ 4. When a special election shall have been ordered by the Governor in a county, the Secretary of State shall forthwith cause a copy of the Governor's proclamation to be delivered to the sheriff, clerk, or first judge of such county; and when ordered in a district, to the sheriff, clerk, or first judge of each county therein.

PUBLICATION

§ 5. The Secretary of State shall cause a copy of each notice issued by him, and of such proclamation of the Governor, to be published in the state paper, once in each week, from the date of such notice or proclamation, until the election to which it shall refer.

ARTICLE SECOND.

Of the notices to be given by the county and state canvassers.

§ 6. When a special election shall be necessary, in the case of an equality of votes, provided for in the second Title of this Chapter, the board of canvassers, having power to determine on the election of the officer omitted to be chosen, shall, without delay, direct and cause to be delivered to the sheriff, clerk, or first judge of each county in the district, or of the county in which such election is to be held, a notice specifying the officer to be chosen; the time for which he is to be chosen, and the day on which such election is to be held; which day shall not be less than twenty nor more than forty days from the date of such notice. Notices when and how given.

§ 7. The notice of such an election, if ordered by the board of state canvassers, shall be signed by the Secretary of State, and if ordered by the county canvassers, by the chairman and clerk of the board. How signed.

ARTICLE THIRD.

Of elections in cities and towns; of the notices to be given to city and town officers; the formation of election districts, and the appointment of inspectors of election thereof.

§ 8. The several cities of this state shall be divided by the common council of the said cities respectively, into convenient election districts for the holding of all general and special elections, and all elections of the officers of such cities who are elective by the people. Election districts in cities.

§ 9. Every ward in the city, containing not more than five hundred voters, shall be an election district; every ward in a city containing more than five hundred voters and not more than eight hundred voters, may, on or before the first Monday of October next, or in any year thereafter, be divided by the common council of such city, if they shall deem expedient, into two districts, to contain, as near as may be, an equal number of voters; and every ward of a city containing more than eight hundred voters, shall, on or before the first Monday of October next, and as often annually thereafter as may be necessary or expedient, be divided by the common council of such city into two or more districts, in such manner as shall be entire within one ward, and shall contain, as near as may be, an equal number of voters; and no district shall contain more than eight hundred voters. Ward districts.

§ 10. Whenever a ward shall be divided into two or more districts, the common council shall immediately publish the same, by making a map or description of such division, defining it by known boundaries, and keeping such map or description open for public inspection in the office of the clerk Map of ward districts to be made.

of such city, and also by posting up copies of such map in at least ten of the most public places in each district of such ward; and the common council shall also, prior to every election, furnish copies of such map and description to the inspectors of election in each district of such ward.

Inspectors
of election.

§ 11. Until inspectors of election shall by law be chosen and appointed at the charter election of any city, the common council of such city shall, at least ten days before every general election, appoint three inspectors of election for each election district in said city.

Their qual-
ifications.

§ 12. The inspectors so appointed shall be qualified voters and residents in such districts, and shall be inspectors also of all special elections held in such city during the ensuing year.

Two may
act.

§ 13. Any two of such inspectors may act, and in case of the death or inability of either of them, the common council may thereafter appoint another in his place.

Notice to in-
spectors.

§ 14. The sheriff, clerk, or first judge of each county, who shall receive a notice of an election, shall, without delay, deliver a copy of such notice to the supervisor or one of the assessors of each town or ward in his county. He shall also cause a copy of such notice to be published in all the public newspapers in his county, once in each week until the election therein specified; if there be none printed in his county, then in some newspaper of an adjoining county.

Towns how
to be divided
into election
districts in
1842.

§ 15. The supervisor, assessors, and town clerk of each town, shall meet at the town clerk's office in such town on the first Tuesday in September next, at ten o'clock in the forenoon, and form themselves into a board. And in case a majority of said officers, for any cause, do not attend on that day, it shall be the duty of those who do attend, to adjourn to some future day, not exceeding five days, and shall immediately thereupon give notice to those officers who do not attend, of the time of such adjournment; and it shall be the duty of all of said officers to attend on said adjourned day, and to proceed in the same manner as though a majority had attended on the day appointed by law; and adjournments from time to time may be had by said officers, as occasion may require; but no such adjournments shall extend beyond the first day of October in said year. They shall, in all cases where any town shall contain more than five hundred electors, divide the same into a convenient number of election districts, so that each district shall be in a compact form within their town, and shall contain not more than five hundred electors, as far as the number can be ascertained. But where any town shall contain less than five hundred electors, the board may, in their discretion, divide the same into districts. They shall make a certificate of such division, under

their hands, in which such districts shall be numbered and described by known boundaries, which shall be immediately filed in the office of the town clerk. The town clerk shall, at least two weeks before the day of election, put up copies of the said certificates in at least four public places in each of the said districts, within ten days after such meeting; and he shall deliver a copy thereof to an inspector in each district before the day of election.

§ 16. In every succeeding year the same officers shall meet at the town clerk's office on the first Monday of October, at ten o'clock in the forenoon, and form a board. They shall determine whether any alteration in the existing election districts be necessary or expedient, and shall have power to make the same, subject to the same restrictions and limitations contained in the last preceding section; and shall, in like manner, make a certificate of such alterations, exhibiting the districts as altered and their numbers respectively; which certificate shall be filed in the town clerk's office. Such alteration shall not take effect until after the then next general election, except in case of of the alteration, erection or division of a town, in which case it shall take effect immediately.

§ 17. When any new town shall be formed, the supervisor, town clerk and assessors therein, shall meet at the town clerk's office, on or before the first Tuesday in September preceding the first general election to be held in such town, and divide the same into districts as herein prescribed, and the same proceedings, in all respects, shall be had as herein provided in respect to towns now existing.

§ 18. The common council of each city, and the said town officers of each town, on the first Tuesday of September next, and on the first Monday in October in each year thereafter, shall designate the place in each election district in such city or town at which elections shall be held during the year; and they shall thereupon give notice, written or printed, to be posted in at least eight public places in each district, containing a description of such place so designated, and of the time of opening and closing the poll. The said town officers shall, at their meeting on the first Tuesday of September next, assign at least three of their number to hold the election in each district, and if there be not a sufficient number for that purpose, they shall assign one or more of their number to each district, and shall select from among the justices of the peace, the commissioners of common schools and the commissioners of highways of such town, as many as shall be necessary, in addition to those previously assigned, to constitute at least three inspectors of election for each district; and such inspectors shall be allowed to vote in the district where they shall be respectively assigned. The selections shall be made from the officers aforesaid, in the order herein named, residing in the district to which they shall be assigned, if there be sufficient for the purpose. A certi-

In every succeeding year.

New towns how divided.

Places of holding election how designated.

Officers to be assigned and selected.

cate specifying the officers thus assigned and selected for each district, shall at the same time be signed by the board, and filed in the office of the town clerk, who shall immediately cause notice thereof to be given to the officers selected. And in case a majority of said common council in any city, or a majority of said town officers, shall for any cause fail to attend for the purposes aforesaid, on the days above mentioned, the same powers are given in relation to adjournments; and the same duties are required in all particulars as are given in the fifteenth and sixteenth sections of this Title to town officers, except that no adjournments shall extend beyond the fifteenth day of October in each year.

District inspectors in 1844.

§ 19. The officers thus assigned and selected, shall be inspectors of all general and special elections held in the several districts for which they shall have been appointed, until the annual town meeting in such town in the year one thousand eight hundred and forty-three.

Vacancies how supplied.

§ 20. In case any of the persons assigned or selected as inspectors, shall not be in office at the time appointed for holding any election, their successors shall be such inspectors; and in case of a vacancy in any of the said offices, or of the absence or inability of any officer to act as inspector at any election, by which the number of inspectors for a district shall be reduced below three, the supervisor of the town, or in case of a vacancy in his office, or his absence or inability, the town clerk, shall designate so many of the justices of the peace or commissioners of common schools, or of the commissioners of highways of the town, as shall be necessary to supply such numbers in the order in which they are herein named, who shall be inspectors of such election for such district.

Inspectors to be annually elected in towns and cities.

§ 21. At each town meeting to be held in the several towns of this state, and at each annual charter election to be held in the several cities of this state, which are not organized into towns, after the first day of January next, the electors of such city or town shall be entitled to vote by ballot, on the same ticket with other town or charter officers, for two electors residing in each election district of such town or city, to be inspectors of election for such city or town; and the two persons in each district receiving the greatest number of votes, shall be two of the inspectors of election for such district at all elections to be held therein the ensuing year. The presiding officers of such town meeting or charter election, shall, immediately after the votes of such town meeting or charter election shall be canvassed, appoint by writing, subscribed by a majority of said presiding officers, another inspector of elections for each election district, to be associated with said two inspectors so elected, and who shall thereupon be one of the inspectors of election of such district. Such inspector shall be selected from the two persons in such election district who shall have the highest number of votes next to the two inspectors so elected. And no

ballot for inspectors shall be counted upon which more than two names shall be contained.

§ 22. In case any such inspectors in any town shall not be chosen or appointed, as provided for in the preceding section, or any of them shall be absent, or shall have ceased to be a resident of such district, or unable to attend and hold any election in their district, the supervisor, town clerk and justices of the peace in such town, shall meet at such time and place as shall be appointed by the supervisor, or in case of his absence or inability, or a vacancy in his office, by the town clerk, and shall designate and appoint so many electors of such election district, as shall be necessary to supply such vacancy, to be inspectors of election for such district, and shall file a certificate of such appointment in the office of the town clerk; and the persons thus appointed shall be inspectors of such election for such district. And all vacancies which may exist or occur in the office of inspector of election in any city, shall be filled by the common council of such city.

Vacancies
how supplied.

§ 23. The inspectors assigned, elected, designated or appointed as herein prescribed, shall receive the compensation provided by law for inspectors of elections in towns or wards.

Pay of inspectors.

§ 24. Every town or ward that shall not be divided into election districts according to the preceding provisions, shall constitute and be an election district in itself; and all the provisions of this act in relation to election districts, the election or appointment of inspectors of election therein, and their duties and powers, shall apply to such towns or wards and the inspectors of elections therein.

Towns or
wards not
divided.

TITLE IV.

Of the manner of conducting elections.

ART. 1.—Of the formation of the board of inspectors; and the appointment of clerks.

ART. 2.—Of the manner of voting, and of challenges.

ART. 3.—Of the duties of the board of inspectors, and clerks of the poll.

ART. 4.—Of the canvass and estimate of the votes by the board of inspectors.

ARTICLE FIRST.

Of the formation of the Board of Inspectors and the appointment of Clerks.

§ 1. The inspectors of each election district shall meet at the time and place, when and where an election shall have been appointed to be held therein, and shall proceed to organize themselves as a board, for the purpose of presiding at and conducting such election.

Board to be
formed.

§ 2. The inspectors shall appoint one of their number chairman of the board, who shall administer to the other inspectors the oath of office, as prescribed by the constitution, and the same oath shall then be administered to the chairman by one of the other inspectors.

Chairman.

- Clerks.** § 3. The inspectors or a majority of them, having severally taken such oath, the board shall then appoint two clerks, to be called clerks of the poll.
- Oath.** § 4. The clerks shall each take the constitutional oath of office, which shall be administered to them by the chairman of the board.
- Poll opened.** § 5. The poll of each election shall then be opened, and proclamation thereof made, and of the time when the same will be closed.
- How long to be kept open** § 6. The poll in the several cities shall be opened at sunrise, and in the several towns at any time between sunrise and nine o'clock in the morning, and shall be kept open till the setting of the sun; and no adjournment or intermission whatever shall take place until the same be closed.

ARTICLE SECOND.

Of the manner of voting, and of challenges.

- Ballot.** § 7. The electors shall vote by ballot; and each person offering to vote, shall deliver his ballot, so folded as to conceal the contents, to one of the inspectors, in the presence of the board.
- Its form and contents.** § 8. The ballot shall be a paper ticket, which shall contain, written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person, so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons as designated to any office, than there are persons to be chosen at the election to fill such office.
- State.** § 9. The names of all the persons voted for by any elector, at any election, excepting of electors of president and vice-president, shall be upon one ballot, which ballot shall be endorsed "State."
- Electors.** § 10. When electors of president and vice-president are to be chosen, a separate ballot shall be given for them, which shall be endorsed "Electors," and shall contain the names of the persons designated by the voter giving the same, to be electors of president and vice-president, or any of them.
- Term of senators designated.** § 11. If at a general election, there be one or more vacancies to be supplied in the office of senator, and at the same election a senator is to be elected for four years, the term for which the person voted for is intended, shall be designated on the ballot.
- Congress designated.** § 12. If at a general election for representatives in congress, any person named in a congress ballot, shall be intended to supply a vacancy in the office of such representative, the ballots shall designate the congress for which each person is intended to be chosen.
- Challenge.** § 13. If any person offering to vote at any election shall be challenged in relation to his right to vote at that election, by an

inspector, or by any other person entitled to vote at the same poll, one of the inspectors shall tender to him the following preliminary oath: "You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you, touching your place of residence and qualifications as an elector."

Preliminary
oath.

§ 14. The inspectors or one of them, shall then proceed to question the person challenged in relation to his name, his then place of residence; how long he has resided in the town or ward where the vote is offered; what was the last place of his residence before he came into that town or ward, and also as to his citizenship, and whether a native or naturalized citizen, and if the latter, when, where, and in what court, or before what officer he was naturalized; whether he came into the town or ward for the purpose of voting at that election; how long he contemplates residing in the town or ward; and all such other questions as may tend to test his qualifications as a resident of the town or ward, citizenship and right to vote at that poll.

Questions to
person chal-
lenged.

§ 15. If any person shall refuse to take the said preliminary oath when so tendered, or to answer fully any questions which shall be so put to him, his vote shall be rejected.

Vote when
to be reject-
ed.

§ 16. After receiving the answers of the person so challenged, the board of inspectors shall point out to him the qualification if any, in respect to which he shall appear to them deficient.

Qualifica-
tions.

§ 17. If the person so offering shall persist in his claim to vote, and the challenge shall not be withdrawn, one of the inspectors shall then administer to him the following oath:

Oath to be
taken if chal-
lenge is not
withdrawn.

"You do swear (or affirm) that you are a citizen of the United States, of the age of twenty-one years; that you have been an inhabitant of this state for one year next preceding this election; and for the last six months a resident of this county; that you are now a resident of this town, (or ward as the case may be,) and of the district in which you now offer to vote; and that you have not voted at this election."

§ 18. If the person so offering to vote be a colored man, the following oath shall be tendered to him: "You do swear (or affirm) that you are of the age of twenty-one years; that for three years you have been a citizen of this state; that you have been an inhabitant of this state for one year next preceding this election, and during that time have been, and that you now are, seised and possessed of a freehold estate of the value of two hundred and fifty dollars, over and above all debts and incumbrances charged thereon, and have been actually rated and paid a tax thereon; and that you have been for the last six months a resident of this county, that you are now a resident of this town, (or ward as the case may be,) and of the district in which you now offer to vote, and that you have not voted at this election."

Oath of a co-
lored man.

Vote when
to be reject-
ed.

Oath of in-
spector if
challenged.

Residence.

Minutes re-
specting
persons
challenged
do. to be
kept and
filed.

Challenge as
a convict.

§ 19. If any person shall refuse to take the oath so tendered his vote shall be rejected.

§ 20. No inspector of election shall at the first election after this act takes effect, if challenged, be required in the oath administered to him, to state that he is a resident of the district in which he offers to vote, if such vote is offered in the district for which he shall be appointed an inspector.

§ 21. No person shall be deemed to have lost or acquired a residence by being a student in a college, academy, or any seminary of learning; nor by living in any poor house, alms house hospital or asylum in which he shall be maintained at public expense; nor by being under punishment in any prison, bridewell or penitentiary; nor by being absent from his town or place engaged in the army or navy of the United States, or in navigating any of the waters of this state, the United States, or on the high seas; nor by being a soldier of the United States stationed at any place within this state, and without having acquired any other lawful residence.

§ 22. The inspectors of election shall keep a minute of their proceedings in respect to the challenging and administering oaths to persons offering to vote, in which shall be entered, by one of them, the name of every person who shall have taken the oaths prescribed by this act, or either of them, specifying in each case whether the preliminary oath, or the general oath, or both, were taken; which minute and statement shall be certified by such inspectors, and returned by them to the office at which their return of votes given at such election is made, and at the same time, and shall there be filed. The inspectors shall also direct the clerks of the polls to designate by some appropriate mark, opposite to his name, every person entered on said list, who shall have taken the said oaths, or either of them.

§ 23. If the person be challenged as convicted of an infamous crime, he shall not be required to answer any questions in relation to such alleged conviction; nor shall any proof of such conviction be received, other than a duly authenticated record thereof; but if any person so convicted shall vote at any such election, unless he shall have been pardoned and restored to all the rights of a citizen, he shall be deemed guilty of a misdemeanor, and on conviction shall be imprisoned in the county jail for the term of six months.

ARTICLE THIRD.

Of the Duties of the Board of Inspectors, and Clerks of the Poll.

Ballot boxes.

§ 24. At each general and special election, the inspectors shall provide and keep one box, in which all ballots received at such election shall be deposited, except such as shall be given

for electors of president and vice-president, or amendment of the constitution.

§ 25. When electors of president and vice-president are to be chosen, or amendments of the constitution proposed, separate boxes shall in like manner be provided, in which shall be deposited the ballots for such electors, and on such proposed amendments. Ballot boxes

§ 26. Each box shall be provided with a sufficient lock, and shall be locked before the opening of the poll, and the keys thereof delivered to one of the inspectors, to be appointed by the board, and shall not be opened during the election, except in the manner and for the purposes hereinafter mentioned.

§ 27. An opening shall be made in the lid of each box; not larger than shall be sufficient for a single closed ballot to be inserted therein at one time, through which each ballot received, proper to be placed in such box, shall be inserted.

§ 28. When the board shall have finally received the ballot of an elector, one of the inspectors, without opening the same, or permitting it to be opened or examined, shall deposit it in the box corresponding in title with the endorsement of the ballot. Ballots deposited.

§ 29. Each clerk of the poll shall keep a poll list, which shall contain one column headed "names of voters," and so many additional columns as there are boxes kept at the election. The heading of each additional column shall correspond with the name of one of the boxes so kept. Poll lists.

§ 30. The name of each elector voting shall be entered by each clerk, in the column of his poll list, headed "names of voters;" and when there shall be more than one box kept, opposite such name shall be written the figure 1, in each remaining column of such poll list, corresponding in its heading with the name of a box in which a ballot of the elector shall have been deposited.

§ 31. It shall be the duty of each inspector to challenge every person offering to vote, whom he shall know or suspect not to be duly qualified as an elector. Inspectors to challenge.

§ 32. The board of inspectors shall possess full authority to maintain regularity and order, and to enforce obedience to their lawful commands, during an election, and during the canvass and estimate of votes, after the closing of the poll; and shall have full authority to preserve peace and good order at and around the polls of the election, and to keep the access thereto open and unobstructed; and may appoint one or more electors to communicate their orders and directions, and to assist in the performance of the duties in this section enjoined. To preserve order.

§ 33. If any person shall refuse to obey the lawful command of the inspectors, or by disorderly conduct in their presence or hearing, shall interrupt or disturb their proceedings, they may make an order directing the sheriff, or any constable of the county, to take the person so offending into custody, and detain him

until the final canvass of the votes shall be completed ; but such order shall not prohibit the person so taken into custody from voting at such election.

To preserve order. § 34. Such order shall be executed by any sheriff or constable, to whom the same shall be delivered ; or if none shall be present, by any other person deputed by such board, in writing.

ARTICLE FOURTH.

Of the Canvass and Estimate of the Votes by the Board of Inspectors.

Canvass, when and how made. § 35. As soon as the poll of an election shall have been finally closed, the inspectors of the said election in their several districts, shall proceed to canvass the votes. Such canvass shall be public, and shall not be adjourned or postponed until it shall have been fully completed.

Comparison of poll lists. § 36. The canvass shall commence by a comparison of the poll lists, from the commencement, and a correction of any mistakes that may be found therein.

Ballots to be counted. § 37. Each box being opened, the ballots contained therein shall be taken out and counted unopened, except so far as to ascertain that each ballot is single. And if two or more ballots shall be found so folded together as to present the appearance of a single ballot, they shall be destroyed, if the whole number of ballots exceed the whole number of votes, and not otherwise.

Id. § 38. No ballot properly endorsed, found in a box different from that designated by its endorsement, shall be rejected, but shall be counted in the same manner as if found in the box designated by such endorsement, provided that by the counting of such ballot or ballots, it shall not produce an excess of votes over the number of voters as designated on the poll list.

Excess to be destroyed. § 39. If the ballots shall be found to exceed in number the whole number of votes on the correspondent columns of the poll lists, they shall be replaced in the box, and one of the inspectors shall, without seeing the same, publicly draw out and destroy so many ballots unopened, as shall be equal to such excess.

Estimate of votes. § 40. The board shall then proceed to canvass and estimate the votes.

Excess to be destroyed. § 41. If after having opened or canvassed the ballots, it should be found that the whole number of them exceeds the whole number of voters entered on the poll lists, the inspectors shall return all the ballots into the box, and shall thoroughly mingle the same ; and one of the inspectors to be designated by the board, shall publicly draw out of such box, without seeing the ballots contained therein, so many of such ballots as shall be equal to the excess, which shall be forthwith destroyed.

Statement of result to be made. § 42. The canvass shall be completed by ascertaining how many ballots of the same kind corresponding in respect to the

names of persons thereon and the offices for which they are designated, have been received; and the result being found, the inspector shall securely attach to a statement of such canvass, one ballot of each kind found to have been given for the officers to be chosen at such election, any or either of them, except those given for electors of president and vice-president; and they shall state in words at full length immediately opposite such ballot, and written partly on such ballot and partly on the paper to which it shall be attached, the whole number of all the ballots that were received which correspond with the one so attached, so that one of each kind of the ballots received at such election for the officers then to be chosen, shall be attached to such paper, with a statement of such canvass. They shall also attach to such paper, the original ballots rejected by them as being defective, which were given at such election.

§ 43. When electors of president and vice-president shall be chosen at any election, the inspectors shall make a separate canvass and statement of the votes given for electors, in the manner prescribed in the last preceding section, by ascertaining how many ballots of the same kind, corresponding in respect to the names thereon, have been received; and the result being found, the inspectors shall securely attach to paper one original ballot of each kind found to have been given for electors, and shall state, in words at full length opposite such ballot, and written partly thereon, and partly on the paper to which it shall be attached, the whole number of ballots for electors, that were found to have been received, corresponding with the one so attached. They shall also attach to such paper all original ballots for electors, rejected by them as being defective.

Canvass and statement of votes for president and vice-president.

§ 44. The statements to be made by the inspectors shall contain a caption, stating the day on which, and the number of the district, the town or ward, and the county at which the election was held, in relation to which such statement shall be made; it shall also contain a statement showing the whole number of ballots taken for each person, designating the office for which they are given, which statement shall be written in words at length; and at the end thereof, a certificate that such statement is correct in all respects; which certificate shall be subscribed by the inspectors.

Form of statement.

§ 45. A true copy of the several statements made by the inspectors, shall be made and certified by them, and immediately filed by them in the office of the clerk of the town or city.

Copy to be filed.

§ 46. The poll lists kept at such election shall be filed by the inspectors or one of them, in the office of the clerk of the town or city in which such election was held, and shall be there preserved.

Poll lists to be filed.

§ 47. The remaining ballots not so pasted or attached, shall be destroyed, and the board of inspectors shall be dissolved.

Ballots to be destroyed.

§ 48. The original statements, duly certified, shall be delivered by the inspectors, or by one of them to be deputed for that

Original statements to be delivered.

vered to supervisors.

purpose, to the supervisor of the town or ward, within twenty-four hours after the same shall have been subscribed. If there be no supervisor, or he shall be disabled from attending the board of county canvassers, such original statement shall be delivered to one of the assessors of the town or ward in which such election was held.

TITLE V.

Of the final canvass, and the mode of declaring and certifying the result.

ART. 1.—Of the board of county canvassers, and their proceedings.

ART. 2.—Of the duties and proceedings of the county clerk.

ART. 3.—Of the duties of the Secretary of State, previous to the meeting of the state canvassers.

ART. 4.—Of the formation and proceedings of the board of state canvassers.

ART. 5.—Of the subsequent duties of the Secretary of State.

ARTICLE FIRST.

Of the Board of County Canvassers, and their proceedings.

Board how composed.

§ 1. The supervisors or assessors, to whom the original statements of the canvass of votes in the towns or wards, to which they respectively belong, shall have been delivered, shall form the county board of canvassers.

Where and when to meet.

§ 2. They shall meet at the office of the clerk of the county, on the Tuesday next following the election, before one o'clock in the afternoon of that day, and shall choose one of their number as chairman.

Secretary.

§ 3. The clerk of the county, or in his absence his deputy, shall be secretary of the board.

Oath.

§ 4. The chairman shall then administer the constitutional oath to each member of the board, and the same oath shall be administered to him by the secretary.

Quorum.

§ 5. The major part of the supervisors or assessors to whom the original statements of the canvass in the several districts of their towns or wards shall have been delivered, shall be a sufficient number to constitute a board.

Estimate of votes to be made.

§ 6. The original statements of the canvass in each district shall then be produced, and from them the board shall proceed to estimate the votes of the county, and shall make such statements thereof, as the nature of the election shall require; such statements shall then be delivered to and deposited with the county clerk.

Separate statements to be made.

§ 7. They shall make a separate statement containing the whole number of votes given in such county for the office of governor, lieutenant-governor, senator and representatives in congress, any or either of them; the names of the persons to whom such votes were given, and the number of votes given to each; another, of the votes for members of assembly and county officers, any or either of them, and another of the votes

for electors of president and vice-president; and another, of the votes for any proposed amendment to the constitution.

§ 8. In such statements, the whole number of votes given in each town and district, the names of the candidates, and the number of votes given to each, shall be written out in words at full length. No. of votes and names written at length.

§ 9. Each statement shall be certified as correct, and attested by the signatures of the chairman and secretary of the board; and a copy of each, thus certified and attested, shall be delivered to the county clerk, to be recorded in his office. How certified.

§ 10. Upon the statement of votes given for members of assembly and county officers, the board shall proceed to determine what person or persons have, by the greatest number of votes, been duly elected to each of the offices mentioned in each statement. Members of assembly and county officers.

§ 11. The board shall cause a copy of every such determination, and of the statement upon which it shall be made, to be published in one or more of the newspapers printed in the county. Copy to be published.

§ 12. If any one of the supervisors or assessors appointed to attend the county canvass, shall be unable to attend the meeting of the board on the day appointed for such meeting, he shall, on or before that day, cause to be delivered at the office of the county clerk the original statement of the votes of his town or ward. If an inspector cannot attend at board.

§ 13. If on that day a majority of the county canvassers shall not attend, or the statements of the votes from every district in the county shall not be produced, the canvassers then present shall adjourn to some convenient hour of the next day. Duty of those who attend.

§ 14. At that hour they shall again meet, and the canvassers then attending, although less than a majority of the whole, shall organize themselves as a board, and upon the statements, or certified copies thereof, then produced, shall proceed to estimate, state and certify the votes of the county, in the manner before directed. Ibid.

§ 15. If upon proceeding to canvass the votes, it shall clearly appear to the canvassers that in any statement produced to them certain matters are omitted in such statement, which should have been inserted, or that any mistakes which are clerical merely exist, they shall cause the said statement to be sent by one of their number, (who they shall depute for that purpose,) to the town or ward inspectors, and town or ward canvassers of the town or ward from whom they were received, to have the same corrected; and the said canvasser so deputed shall immediately proceed and give notice to the said town or ward inspectors and canvassers, whose duty it shall be, forthwith to assemble together and make such correction as the facts of the case require; but such town or ward inspectors and canvassers shall not at such meeting change or alter Statements containing omissions &c. may be returned to be corrected

any decision before made by them, but shall only cause their canvass to be correctly stated; and the board of county canvassers are authorized to adjourn from day to day, for the purpose of obtaining and receiving such statement, such adjournment not to extend beyond three days.

ARTICLE SECOND.

Of the duties and proceedings of the county clerk.

Clerk to deliver statements.

§ 16. The county clerk shall deliver to the board of county canvassers, all the certified statements of the votes taken in each town or ward at the next preceding election, that shall have been received at his office.

To procure those not received by him.

§ 17. If on the day appointed for the meeting of the board of county canvassers, the board shall not have been organized, owing to a deficient return of the votes of the county; the county clerk shall, by a special messenger, or otherwise, obtain necessary statements or certified copies thereof, in time to be produced to the board at their next meeting.

To record statements.

§ 18. The county clerk shall record in his office all the statements and certificates, that shall have been delivered to him by the county board of canvassers, and shall keep a proper book for that purpose.

To prepare three copies.

§ 19. Of the statement and certificate of the votes for the office of governor, lieutenant-governor, senators and representatives in congress, or either of them, he shall prepare three certified copies under his signature, and sealed with the seal of his office.

To transmit the same to Governor, Secretary and Comptroller.

§ 20. Within five days after the adjournment of the board of county canvassers, the county clerk shall deposite in the nearest post-office, directed to the Governor, to the Secretary of State and to the Comptroller, each one of the certified copies of the statement and certificates of votes, so prepared by him.

To deliver copy of certificate to county officers.

§ 21. He shall prepare as many certified copies of each certificate of the determination of the board of county canvassers, as there are persons declared to be elected in such certificate, and shall, without delay, deliver one of such copies to each person so elected.

List to be sent to Secretary of State.

§ 22. He shall transmit to the Secretary of State, within twenty days after a general election, and within ten days after a special election, a list of the names of the persons elected in the county as members of assembly, and also a list of the names of all persons elected to any county office at such election, with the places of their residence respectively.

ARTICLE THIRD.

Of the duties of the Secretary of State, previous to the meeting of the State Canvassers.

Certified statements to be filed by Secretary.

§ 23. It shall be the duty of the Secretary of State to file in his office, the certified statements received by him from a county

clerk ; and to obtain from the Governor and Comptroller, every such certified statement received by either of them, and to file the same in his office.

§ 24. If from any county from which such statement shall be due, none shall have been received or obtained by him, on or before the last day of November next after a general election, and within twenty days after a special election, he shall despatch a special messenger to obtain such statement from the clerk of such county. To send special messengers to county clerks.

§ 25. Such clerk shall immediately, on the demand of such messenger, made at his office, make out and deliver to such messenger the statements required. Duty of clerks.

§ 26. The messenger shall deliver to the Secretary of State, as soon as may be, all such statements as he shall receive, to be filed and recorded as aforesaid. Duty of messengers.

§ 27. The Secretary of State shall appoint a meeting of the state canvassers to be held at his office, or that of the Treasurer or Comptroller, on or before the fifteenth day of December after each general election, and within forty days after a special election. Secretary to notify state canvassers.

§ 28. If a majority of those officers shall be unable or shall fail to attend on the day appointed, he shall give notice to the mayor and recorder of the city of Albany, that their attendance is required.

ARTICLE FOURTH.

Of the formation and proceedings of the board of State Canvassers.

§ 29. The Secretary of State, Comptroller, Surveyor-General, Attorney-General and Treasurer, shall be the state canvassers ; three of whom shall be a sufficient number to form a board. Board how composed.

§ 30. If a majority of those officers shall be unable, or shall fail to attend, the mayor and recorder of the city of Albany, being notified by the Secretary of State, shall attend without delay, and, with the officers attending, shall form the board.

§ 31. The board when thus formed shall, upon the certified copies of the statements made by the boards of county canvassers, proceed to make a statement of the whole number of votes given at such election for the office of governor and lieutenant-governor, or either of them ; another statement of the votes given for the office of senator ; and another, of the votes for representatives in congress ; each of which statements shall show the names of the persons to whom such votes shall have been given for either of the said offices, and the whole number of votes given to each ; distinguishing the several districts and counties in which they were given. They shall certify such statements to be correct, and subscribe the same with their proper names. How to proceed.

To determine and declare persons elected.

§ 32. Upon such statements they shall then proceed to determine and declare what persons have been, by the greatest number of votes, duly elected to such offices, or either of them.

To subscribe certificate.

§ 33. They shall make and subscribe, on the proper statement, a certificate of such determination, and shall deliver the same to the Secretary of State.

Dissent.

§ 34. If any one of the canvassers shall dissent from a decision of the board, he shall state at large, in writing, the reasons of such dissent.

Protests.

§ 35. If any of the acts or proceedings of the board shall appear to any one of the canvassers to be illegal or irregular, such canvasser shall protest against the same in writing, setting forth distinctly the grounds of his protest.

It.

§ 36. The canvasser so dissenting or protesting, shall deliver his dissent or protest, signed with his proper name, to the Secretary of State, who shall file the same in his office.

Adjournment.

§ 37. The board shall have power to adjourn from day to day, for a term not exceeding five days.

ARTICLE FIFTH.

Of the subsequent duties of the Secretary of State.

To record proceedings of state canvassers.

§ 38. He shall record in his office, in a book to be kept by him for that purpose, each certified statement and determination, which shall be delivered to him by the board of state canvassers, and every dissent or protest that shall have been delivered to him by a canvasser.

To transmit copy to each person elected.

§ 39. He shall, without delay, transmit a copy, under the seal of his office, of such certified determination to each person thereby declared to be elected, and a like copy to the Governor.

To publish copy.

§ 40. He shall cause a copy of such certified statements and determinations to be printed in the state paper, and in one or more of the public newspapers in each senate district for which a senator shall have been chosen.

General certificate of members of congress.

§ 41. He shall prepare a general certificate under the seal of this state, and attested by him as secretary thereof, addressed to the house of representatives of the United States, in that congress for which any person shall have been chosen, of the due election of the persons so chosen at each election, as representatives of this state in congress; and shall transmit the same to the said house of representatives, at their first meeting.

Of members to supply vacancies.

§ 42. If either of the persons so chosen at such election shall have been elected to supply a vacancy in the office of representative in congress, it shall be mentioned by the secretary, in the statements and certificates to be prepared by him.

To record names of county officers elected.

§ 43. The Secretary of State shall enter in a book to be kept in his office, the names of the respective county officers elected in this state, specifying the counties for which they were seve-

rally elected and their place of residence, the office to which they were respectively elected, and their term of office.

TITLE VI.

Of the election of Representatives in Congress, Electors of President and Vice-President, and Senators in Congress.

ART. 1.—Of the election of representatives in congress.

ART. 2.—Of the election of electors of president and vice-president.

ART. 3.—Of the formation and proceedings of the college of electors.

ART. 4.—Of the election of senators in congress.

ARTICLE FIRST.

Of the election of Representatives in Congress.

§ 1. Representatives in the house of representatives of the congress of the United States shall be chosen in the several ^{When chosen.} congress districts, at the general elections held therein, in every second year, after the year one thousand eight hundred and twenty-six.

§ 2. If a representative in Congress shall resign, he shall forthwith transmit a notice of his resignation to the Secretary of State; and if a vacancy shall occur by death or otherwise in the office of representative in congress, the clerk of the county in which such representative shall have resided at the time of his election, shall, without delay, transmit a notice of such vacancy to the Secretary of State. ^{Resignation or death.}

ARTICLE SECOND.

Of the election of Electors of President and Vice-President.

§ 3. At the general election in November, preceding the time fixed by the law of the United States for the choice of president and vice-president of the United States, there shall be elected, by general ticket, as many electors of president and vice-president, as this state shall be entitled to appoint; and each elector in this state shall have a right to vote for the whole number; and the several persons to the number required to be chosen, having the highest number of votes, shall be declared and deemed duly appointed electors. ^{Election by general ticket.}

§ 4. The county clerk of each county shall make three certified copies of the statement of votes given for electors in his county immediately after recording the same, and forthwith transmit, by mail, one of such certified copies to the Governor, another to the Secretary of State, and deliver the other as herein-after directed. ^{Duty of county clerks.}

§ 5. One of the certified copies of such statement of votes ^{shall} given in each of the several counties herein named, shall be delivered by the clerks of such counties respectively, as herein directed, on the day next succeeding that on which the canvass shall have been made, to wit: Those of the counties of Niagara, Wyoming and Orleans, to the clerk of Genesee; those

of the counties of Livingston, Monroe, Wayne and Yates, to the clerk of Ontario; that of the county of Seneca, to the clerk of Cayuga; those of the counties of Cortland and Oswego, to the clerk of Onondaga; that of the county of Madison, to the clerk of Oneida; those of the counties of Montgomery, Fulton and Saratoga, to the clerk of Schenectady; that of Chenango, to the clerk of Broome; those of the counties of Rockland, Orange, Ulster and Sullivan, to the clerk of Greene; that of the county of Richmond, to the clerk of New-York; and those of the counties of Otsego, Schoharie, Rensselaer and Albany, to the Secretary of State.

Messengers.

§ 6. The clerks of the several counties of Franklin, St. Lawrence, Chautauque, Cattaraugus, Tompkins, and Suffolk, immediately after recording the electoral votes received by them, shall appoint a messenger to receive and carry the certified copies of the statements of votes given for electors as herein directed; which appointment shall be made by the said clerks, under their seal of office.

To receive
copy from
county
clerks.

§ 7. Each clerk of a county having received the certified copies of the statements of the electoral votes given in any other county, shall deliver the same to the messenger authorized to receive the certified statements of the electoral votes given in his county, and shall deliver the said last mentioned statements to the messenger authorized to receive the same when demanded.

Messenger
in St. Law-
rence co.

§ 8. The messenger appointed in the county of St. Lawrence, shall, immediately after his appointment, receive the certified statements of the electoral votes of said county, and forthwith proceed to the offices of the clerks of the counties of Jefferson and Lewis, and receive the certified statements of the electoral votes of those counties; and within three days after his appointment, deliver the copies by him received, to the clerk of Oneida county.

In Cattaraugus
county.

§ 9. The messenger appointed in the county of Cattaraugus, shall, immediately after his appointment, receive the certified statements of the electoral votes of that county, and forthwith proceed to the clerks' offices of the counties of Allegany and Steuben, and receive the certified statements of the electoral votes of those counties; and within fifty-six hours after his appointment, deliver the certified statements by him received to the clerk of Ontario county.

In Chautauque
county.

§ 10. The messenger appointed in the county of Chautauque, shall, immediately after his appointment, receive the certified statements of the electoral votes of that county, and forthwith proceed with all reasonable diligence, to the offices of the clerks of the counties of Erie, Genesee, Ontario, Cayuga, Onondaga, Oneida, Herkimer and Schenectady, and receive from the several clerks the certified statements of electoral votes in those counties respectively; and such others as shall

have been delivered to such clerks, as herein provided, and deliver the same to the Secretary of State.

§ 11. The messenger appointed in the county of Franklin, shall, immediately after his appointment, receive the certified statements of the electoral votes of that county, and forthwith proceed with all reasonable diligence, to the offices of the clerks of the counties of Clinton, Essex, Warren and Washington, and receive from the several clerks the certified statements of electoral votes in those counties respectively, and deliver the same to the Secretary of State. In Franklin county.

§ 12. The messenger appointed in the county of Tompkins, shall, immediately after his appointment, receive the certified statements of the electoral votes of that county, and forthwith proceed with all reasonable diligence, to the offices of the clerks of the counties of Chemung, Tioga, Broome, Delaware and Greene, and receive from the several clerks the certified statements of electoral votes in those counties respectively, and such others as shall have been delivered to such clerks, as herein provided, and deliver the same to the Secretary of State. In Tompkins county.

§ 13. The messenger appointed in the county of Suffolk, shall, immediately after his appointment, receive the certified statements of the electoral votes of that county, and forthwith proceed with all reasonable diligence, to the offices of the clerks of the counties of Queens, Kings, New-York, Westchester, Putnam, Dutchess and Columbia, and receive from the several clerks the certified statements of electoral votes in those counties respectively, and such others as shall have been delivered to such clerks, as herein provided, and deliver the same to the Secretary of State. In Suffolk county.

§ 14. The board of state canvassers shall meet at the office of the Secretary of State, on the Wednesday next after the third Monday of November after every such election, or sooner, if all the certified copies of the statements of the county canvassers shall have been received from all the counties, to canvass the votes given for the electors of president and vice-president; and in case all the certified statements shall not have been received on that day, the board may adjourn from day to day until the same shall have been received, not exceeding five days; and if at the expiration of four days, certified copies of the statements of the county canvassers shall not have been received from any county, the board shall proceed to canvass upon such of the said statements as shall have been received. Duty of state canvassers.

§ 15. The board of state canvassers shall proceed in making a statement of all the votes, and determining and certifying the persons elected, in the manner prescribed by law in relation to the election of state officers. Statement of votes.

§ 16. The Secretary of State shall, without delay, cause a copy, under the seal of his office, of the certified determination of the board of state canvassers, to be delivered to each of Duty of Secretary of State.

the persons therein declared to be elected ; and for that purpose he may employ such and so many messengers as he shall deem necessary.

Publication. § 17. The determination and certificate of the board of state canvassers in relation to the choice of electors, shall be published in the same manner as provided by law in relation to the certificates of the election of state officers.

Punalty for destroying certificates, &c. § 18. If any of the messengers shall be guilty of destroying the certificates entrusted to their care, or wilfully doing any act that shall defeat the due delivery of them as directed by this act, he shall be punished by imprisonment in the state prison, at hard labor, for a term not less than three nor exceeding five years ; and if any person shall be found guilty of taking away from any of the said messengers, either by force or in any other manner, any such certificates entrusted to his care, or of wilfully doing any act that shall defeat the due delivery thereof as directed by this act, he shall be punished by imprisonment in the State prison at hard labor, for not less than two nor exceeding four years.

For wilful neglect or corrupt conduct. § 19. If any officer or messenger, on whom any duty is enjoined in this act, shall be guilty of any wilful neglect of such duty, or of any corrupt conduct in the execution of the same, and be thereof convicted, he shall be deemed guilty of a misdemeanor, punishable by fine not exceeding five hundred dollars, or imprisonment not exceeding one year.

Pay of messengers. § 20. The messengers employed or appointed under this act, shall receive for their compensation twelve cents per mile for travelling, to be audited by the Comptroller upon the certificate of the Secretary of State.

ARTICLE THIRD.

Of the Formation and Proceedings of the Colleges of Electors.

Meeting and duty of electors. § 21. The electors of president and vice-president shall convene at the capitol on the day preceding the first Wednesday in December after their election ; and those of them who shall be so assembled at four o'clock in the afternoon of that day, shall immediately after that hour proceed to fill, by ballot and by plurality of votes, all vacancies in the electoral college, occasioned by the death, refusal to serve, or neglect to attend at that hour, of any elector, or occasioned by an equal number of votes having been given for two or more candidates.

President and secretary. § 22. The electoral college being thus completed, they shall then choose a president and secretary from their own body.

List of electors. § 23. The Secretary of State shall prepare three lists of the names of the electors ; procure to the same the signature of the Governor ; affix thereto the seal of the state ; and deliver them, thus signed and sealed, to the president of the college of electors, on or before the said first Wednesday in December.

§ 24. On the said first Wednesday in December, the electors shall meet at the capitol, and then and there vote by ballot for president and vice-president, one of whom at least shall not be an inhabitant of the same state with themselves. They shall name in their ballots the persons voted for as president, and in distinct ballots the persons voted for as vice-president. When and how to vote.

§ 25. They shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and after annexing thereto one of the lists received from the Secretary of State, they shall seal up the same, certifying thereon that lists of the votes of this state for president and vice-president are contained therein. List of votes

§ 26. The electors shall then, by writing under their hands, or under the hands of a majority of them, appoint a person to take charge of the lists so sealed up, and to deliver the same to the president of the senate at the seat of government of the United States, before the first Wednesday in January then next ensuing. Messenger.

§ 27. In case there shall be no president of the senate at the seat of government on the arrival of the person entrusted with the lists of the votes of the electors, then such person is required to deliver the lists of votes in his custody, into the office of Secretary of State of the United States. His duty. ●

§ 28. The electors are also required to forward forthwith, by the post-office, to the president of the senate of the United States, at the seat of government, and to deliver forthwith to the judge of the United States for the northern district of the state of New-York, similar lists, signed, annexed, sealed up, and certified in the manner aforesaid. Two other lists.

§ 29. Every elector of this state for the election of a president and vice-president of the United States, who shall attend at any election of those officers, and give his vote at the time and place appointed by law, shall be entitled to receive for his attendance at such election, and for travelling to and from his place of residence by the most usual route, the same sum as shall at the time be allowed by law to members of the legislature for their attendance and travel, to be paid in like manner. Pay of electors.

ARTICLE FOURTH.

Of the Election of Senators in Congress.

§ 30. On the first Tuesday of February, next before the expiration of the time for which any senator was elected to represent this state in congress, if the legislature shall be then in session, and if not, then within ten days after a quorum of both houses shall be assembled at the then next meeting of the legislature, an election shall be held for a senator in congress, at the place where the legislature shall be then sitting, in the room of such senator so going out of office. When chosen.

Vacancy.

§ 31. Whenever the seat of any such senator shall become vacant before the expiration of the time for which he was elected, another senator shall be elected in his room within ten days after the legislature shall have notice of such vacancy, at the place where it shall be then sitting.

How chosen

§ 32. Such election shall be made by the legislature in the following manner: the senate and assembly shall each openly nominate one person for the office of senator in congress; after which they shall immediately meet, and if they shall agree in their nominations, the person so nominated shall be appointed to the office for which he shall be nominated; if they shall disagree, the election shall be made by the joint ballot of the senators and members of assembly.

Evidence of election.

§ 33. Whenever any senator shall be chosen as aforesaid, copies of the resolutions of the senate and assembly, testifying such choice, signed by the president of the senate and speaker of the assembly, shall be thereupon delivered to the person so chosen a senator, as evidence of such election.

TITLE VII.

Penalty for violating the Provisions of this Chapter, and for misconduct at Elections.

False swearing.

§ 1. If any elector challenged as unqualified, shall be guilty of wilful and corrupt false swearing or affirming, in taking any oath or affirmation prescribed by this Chapter, such person shall be adjudged guilty of wilful and corrupt perjury.

Procuring it.

§ 2. Every person who shall wilfully and corruptly procure any person to swear or affirm falsely as aforesaid, shall be adjudged guilty of subornation of perjury; and shall upon conviction thereof, suffer the punishment directed by law in cases of wilful and corrupt perjury.

Neglect of duty.

§ 3. If any officer on whom any duty is enjoined in this Chapter, or in any statute relating to elections, shall be guilty of any wilful neglect of such duty, or of any corrupt conduct in the execution of the same, and be thereof convicted, he shall be deemed guilty of a misdemeanor, punishable by fine or imprisonment; the fine in no case to exceed the sum of five hundred dollars, nor the imprisonment the term of one year.

Bribery, &c.

§ 4. If any person shall, by bribery, menace, or other corrupt means or device whatsoever, either directly or indirectly, attempt to influence any elector of this state in giving his vote or ballot, or deter him from giving the same, or disturb or hinder him in the free exercise of the right of suffrage, at any election within this state, held pursuant to this Chapter, and shall thereof be convicted, such person so offending and convicted, shall be adjudged guilty of a misdemeanor, and be fined or imprisoned, according to the discretion of the court before

which such conviction shall be had; such fine in no case to exceed five hundred dollars, nor such imprisonment one year.

§ 5. If any officer or other person shall call out or order any of the militia of this state, to appear and exercise on any day during any election to be held by virtue of this Chapter, or within five days previous thereto, except in cases of invasion or insurrection, he shall forfeit the sum of five hundred dollars for every such offence. Calling out militia prohibited.

§ 6. It shall not be lawful for any candidate for any elective office, with intent to promote his election, or for any other person, with intent to promote the election of any such candidate, either, Prohibition.

1. To provide or furnish entertainment at his expense, to any meeting of electors, previous to, or during the election at which he shall be a candidate; or Against entertainments.

2. To pay for, procure, or engage to pay for any such entertainment: or, ib.

3. To furnish any money or other property to any person, for the purpose of being expended in procuring the attendance of voters at the polls: or Procuring of voters.

4. To engage to pay any money, or deliver any property, or otherwise compensate any person for procuring the attendance of voters at the polls: or, Contributing money.

5. To contribute money for any other purpose intended to promote an election of any particular person or ticket, except for defraying the expenses of printing, and the circulation of votes, handbills and other papers previous to any such election, or for conveying sick, poor or infirm electors to the polls. Except for printing, &c.

§ 7. No person shall fraudulently or deceitfully change or alter a ballot of any elector, nor shall furnish an elector any ballot containing more than the proper number of names, or cause any other deceit to be practiced with intent fraudulently to induce such elector to deposite the same as his vote, and thereby to have the same thrown out and not counted. Changing votes.

§ 8. Every person offending against the provisions of this act shall be deemed guilty of a misdemeanor, punishable by fine not exceeding two hundred and fifty dollars, or by imprisonment not exceeding six months. Punishment

§ 9. If any person shall wilfully disobey any lawful commands of the board of inspectors of any election, or shall wilfully and without lawful authority, obstruct, hinder or delay any elector on his way to any poll where an election shall be held, or while he is exercising or attempting to exercise the right of voting, or shall aid or assist in such obstruction or delay, he shall, on conviction, be adjudged guilty of a misdemeanor, and be fined in a sum not exceeding two hundred and fifty dollars, and may be imprisoned in the discretion of the court, for not more than six months. Penalty for disobeying inspectors, &c.

Penalty for nonresidents voting, and for voting more than once.

§ 10. Any person who at any general or special election or city or charter election, shall knowingly vote or offer to vote in any election district in which he does not reside, except as herein before provided, or who shall vote or offer to vote more than once at the same election, either in the same or in any other election district, shall, on conviction, be adjudged guilty of a misdemeanor, and punishable by fine not exceeding two hundred dollars, or by imprisonment not exceeding six months, or by both, as the court may direct; and Section nineteen of Title six, Chapter one, of the Fourth Part of the Revised Statutes, is hereby repealed.

Repeal.

Procuring illegal voters.

§ 11. Every person who shall procure, aid, assist, counsel or advise another to give or offer his vote at any general, town, city or charter election, knowing that the person is not duly qualified to vote at the place where the vote is given or offered, shall, on conviction, be adjudged guilty of a misdemeanor, and punishable as prescribed in the last preceding section of this Title.

Procuring nonresidents to come into a town, ward or district to vote.

§ 12. Every person who shall procure, aid, assist, counsel or advise another to go or come into any town, ward or election district, for the purpose of giving his vote at any general, special, town or city election, knowing that the person is not duly qualified to vote in such town or ward or election district, shall, on conviction, be deemed guilty of a misdemeanor, and punishable as prescribed by the tenth section of this Title.

Punishment

§ 13. Any person not duly qualified to vote under the laws of this state, who shall knowingly vote or offer to vote at any general or special town or charter election in this state, shall be adjudged guilty of a misdemeanor, and on conviction shall be imprisoned for a period not exceeding six months, at the discretion of the court before which the offence is tried. And any inhabitant of another state, or country, who shall vote or offer to vote at any general, special, town or city charter election in this state, shall be adjudged guilty of a felony, and on conviction, shall be imprisoned in the state prison, for a period not exceeding one year, at the discretion of the court before which the offence is tried. And it shall be the duty of the district attorney in the county where the offence shall have been committed, to adopt effectual measures for the punishment of all persons, who, without being legally qualified, shall vote or attempt to vote at any election in this state.

An inhabitant of another state or country.

Inspectors of election, &c. to give notice of offences under this act.

§ 14. It shall be the duty of every inspector of elections, sheriffs, constables and justices of the peace within this state, knowing that an offence has been committed, under this act, or having good reason to believe that an offence has been committed, to give information thereof to the district attorney of the county in which the offence shall have been committed, whose duty it shall be to adopt effectual measures for the punishment of all persons violating the provisions of this act.

§ 15. It shall be the duty of the presiding judge of every court of general sessions of the peace or oyer and terminer within this state, specially to charge the grand jury at each term of said court, to take notice of all offences committed in violation of any of the provisions of this act. Grand jurors to be specially charged.

TITLE VIII.

Miscellaneous provisions.

§ 1. The county of Hamilton and the county of Fulton shall jointly elect one member of assembly; and for all the purposes of this act, the county of Hamilton shall be deemed part of the county of Fulton. Hamilton county.

§ 2. It shall be lawful for a majority of the inspectors of any election, held in pursuance of this Chapter, to execute all the trusts and duties required to be executed by the inspectors of any such election. Inspectors.

§ 3. If a majority shall not be present on any day on which an election is held, the inspectors or inspector attending, shall appoint so many electors of the town, ward, or district, to act as inspectors, as may be necessary to form a board.

§ 4. The persons so appointed shall take the constitutional oath, and continue to act until a majority of the inspectors shall attend. Do.

§ 5. No notice of an election, nor copy of the Governor's proclamation shall in any case be directed to the clerk of a county, unless the office of sheriff of such county shall then be vacant, nor to the first judge unless the office of sheriff and clerk shall both be vacant. Notices to clerk and first judge.

§ 5. The accounts of the respective clerks of counties for services performed, and expenses incurred by virtue of this Chapter, shall be audited, levied and paid in like manner as other contingent charges of such counties. Accounts.

§ 7. The clerks of the polls, shall severally be allowed one dollar and twenty-five cents per day for their services under this act. Pay of clerks of the poll.

§ 8. Chapter six of the first Part of the Revised Statutes; the act entitled "An act directing the manner of choosing electors of president and vice-president," passed April 15, 1829; the act entitled "An act to preserve the purity of elections," passed May 5, 1829; and the eleventh, twelfth, thirteenth, fourteenth, and seventeenth sections of the act entitled "An act to preserve the purity of elections," passed May 7, 1839; "An act concerning elections in cities other than New-York," passed May 26, 1841, and all other acts, and parts of acts inconsistent with the provisions of this act are hereby repealed; but such repeal shall not affect any act done or right accrued, or any proceeding, suit or prosecution for any offence, or for the recovery of any penalty or forfeiture. Repeal.

Sections ap-
plicable.

§ 9. Sections seven, eight, nine and ten, of the act entitled "Act act to preserve the purity of elections," passed May 7, 1839, shall be deemed applicable to elections for town officers only.

This act to
be published
in pamphlet
form.

§ 10. The Secretary of State shall cause this act to be published in pamphlet form, and he shall cause such number of copies thereof, with the necessary forms and instructions as shall be sufficient to supply the several officers upon whom the duty is devolved by this act, and shall cause the same to be distributed to such officers at the expense of the state.

When to
take effect.

§ 11. This act shall take effect on the first day of June next.

CHAP. 131.

AN ACT *relative to the family of Timothy Wiggin.*

Passed April 6, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Children
and descend-
ants may
hold real es-
tate.

§ 1. The children and descendants of Timothy Wiggin, an American citizen now residing in the kingdom of Great Britain, may take and hold any real estate situate in this state in which the said Timothy Wiggin has now any legal or equitable interest, and may convey and dispose of the same in like manner as citizens of this state.

§ 2. This act shall continue in force for the term of twenty years.

CHAP. 132.

AN ACT *to amend an act entitled "An act to incorporate the General Mutual Insurance Company," passed May 25, 1841.*

Passed April 6, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The ninth section of an act entitled "An act to incorporate the General Mutual Insurance Company," passed May 25, 1841, is hereby amended, and shall read as follows :

Estimate of
the profits
and losses to
be made.

The officers of said company shall, within one month after the expiration of one year from the day on which they shall have issued their first policy and within the first month of every subsequent year, cause an estimate to be made, as near as may be, of the profits of the said company during the preceding year, in which estimate, the losses and expenses of the

company for the year shall be deducted from the earnings of said company, during the same year arising as well from premiums as from the income derived from the investments of said premiums; and the balance (if any) shall be deemed the amount of the nett profits for such preceding year; which estimate shall be binding upon all persons entitled to receive certificates as hereinafter mentioned, and the said officers shall thereupon credit on the books of said company each person or firm who shall have paid any premiums to said company during the preceding year, with such a portion of the said nett balance (exclusive of fractional parts of ten dollars as hereinafter mentioned,) as the amount of earned premiums paid by such person or firm during such year and not returned, shall be of the whole amount of earned premiums received by said company during said year, (less return premium;) and shall issue to such person or firm, a certificate declaring him or them and his or their executors, administrators or assigns, to be entitled to a portion of the invested funds of the said company equal to the amount so credited to him or them, and also to the receipt annually, out of the interest or income derived by said company from the investments of said profits of an interest not exceeding six per centum per annum; which certificate shall contain a proviso that the amount named therein is liable for any future loss by said company. No person or firm shall be credited with or receive a certificate for a share of profits less than ten dollars; and if such share exceeds ten dollars, so much shall be deducted therefrom, as will make it equal to the largest multiple of ten dollars contained therein; and all shares less than ten dollars, and the excess of other shares over multiples of ten dollars, shall be passed to the contingent fund of the company, and applied to the expenses and other charges of the year to which they appertain.

§ 2. This act shall take effect immediately.

CHAP. 133.

AN ACT to amend an act entitled "An act to incorporate the Sun Mutual Insurance Company," passed May 22, 1841.

Passed April 6, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The ninth section of an act entitled "An act to incorporate the Sun Mutual Insurance Company," passed May 22, 1841, is hereby amended and shall read as follows:

The officers of said company shall, within one month after the expiration of one year from the day on which they shall have issued their first policy, and within the first month of

Estimate of the profits and losses to be made.

every subsequent year, cause an estimate to be made, as near as may be, of the profits of the said company during the preceding year, in which estimate the losses and expenses of the company for the year, shall be deducted from the earnings of said company, during the same year, arising as well from premiums as from the income derived from the investments of said premiums: and the balance (if any) shall be deemed the amount of the nett profits for such preceding year, which estimate shall be binding upon all persons entitled to receive certificates as hereinafter mentioned, and the said officers shall thereupon credit on the books of said company, each person or firm who shall have paid any premiums to said company during the preceding year, with such a portion of the said nett balance (exclusive of fractional parts of ten dollars as hereinafter mentioned,) as the amount of earned premiums paid by such person or firm during such year, and not returned, shall be of the whole amount of earned premiums received by said company during said year, (less returned premiums :) and shall issue to such person or firm, a certificate declaring him or them and his or their executors, administrators or assigns, to be entitled to a portion of the invested funds of the said company, equal to the amount so credited to him or them, and also to the receipt annually, out of the interest or income derived by said company from the investments of said profits, of an interest not exceeding six per centum per annum; which certificate shall contain a proviso that the amount named therein is liable for any future loss by said company. No person or firm shall be credited with, or receive a certificate for a share of profits less than ten dollars; and if such share exceeds ten dollars, so much shall be deducted therefrom as will make it equal to the largest multiple of ten dollars contained therein; and all shares less than ten dollars, and the excess of other shares over multiples of ten dollars, shall be passed to the contingent fund of the company, and applied to the expenses and other charges of the year to which they appertain.

§ 2. This act shall take effect immediately.

CHAP. 134.

AN ACT supplementary to an act entitled "An act to authorize the formation of a militia company for the protection of the Mount-Pleasant State Prison," passed April 24, 1835.

Passed April 7, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. It shall be the duty of the inspectors of said prison, and their successors in office, to cause to be erected and kept in repair, on a convenient site to be located by the said inspectors, a suitable building for an armory and place of rendezvous for the use and convenience of the "Sing-Sing guards," a corps organized under the said act, and that the expense thereof be paid out of the moneys and labor of said prison; the amount of such expense for erecting the same shall not exceed the sum of one thousand dollars. Armory to be erected

§ 2. This act shall take effect immediately.

CHAP. 135.

AN ACT to organize the State Lunatic Asylum, and more effectually to provide for the care, maintenance and recovery of the insane.

Passed April 7, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. Nicholas Devereaux, Jacob Sutherland, Charles A. Mann, Alfred Munson, Charles B. Coventry, Abraham V. Williams, Thomas H. Hubbard, T. Romeyn Beck and David Buel, are hereby appointed managers of the State Lunatic Asylum; and shall hold their offices as follows: The said Nicholas Devereaux, Jacob Sutherland, and Charles Mann, shall hold their offices for one year; the said Alfred Munson, Charles B. Coventry, and Abraham V. Williams, shall hold their offices for two years; and the said Thomas H. Hubbard, T. Romeyn Beck and David Buel, shall hold their offices for three years; and they shall hold their offices until others are appointed in their stead, subject to being removed at any time by the senate, upon the recommendation of the Governor. Their successors shall be appointed by the senate, upon the nomination of the Governor, and shall hold their offices for three years, and until Managers of asylum.

First class.

Second class.

Third class.

others are appointed in their stead, and subject to be removed in the manner aforesaid. The government of the State Lunatic Asylum shall be vested in the said board of managers, and a majority thereof shall reside within five miles of said asylum.

Board to have general control of property.

§ 2. Said board shall have the general direction and control of all the property and concerns of the institution not otherwise provided for by law, and shall take charge of its general interests, and see that its great design be carried into effect, and every thing done faithfully according to the requirements of the legislature, and the by-laws, rules and regulations of the asylum.

To appoint a superintendent.

§ 3. The managers shall appoint a superintendent, who shall be a well educated physician, and a treasurer, who shall reside in the city of Utica, and give bonds for the faithful performance of his trust, in such sum and with such sureties as the Comptroller of the state shall approve. They shall also appoint, upon the nomination of the superintendent, a steward, an assistant physician and a matron, all of whom, and the superintendent himself, shall constantly reside in the asylum, and shall be designated the resident officers thereof.

Salaries of officers.

§ 4. The managers shall from time to time determine the annual salaries and allowances of the treasurer and resident officers of the asylum, subject to the approval of the Governor of the state, Secretary of State, Comptroller and Attorney-General, and such salaries shall not exceed, in the aggregate, five thousand five hundred dollars for any one year.

To be paid quarterly.

§ 5. The salaries of the treasurer and resident officers of the asylum shall be paid quarterly, on the first days of January, April, July and October, in each year, by the Treasurer of the state, on the warrant of the Comptroller, out of any moneys in the treasury not otherwise appropriated, to the treasurer of the asylum, on his presenting a bill of particulars signed by the steward and certified by the superintendent.

Grants devise, &c. may be held in trust.

§ 6. The managers may take and hold, in trust for the state, any grant or devise of land or any donation or bequest of money or other personal property, to be applied to the maintenance of insane persons and the general use of the State Lunatic Asylum.

Oath of office.

§ 7. The treasurer and resident officers of the asylum, before entering upon their respective duties, shall severally take the oath prescribed in the first section of the sixth article of the constitution of the state; and such oath shall be filed with the clerk of the county of Oneida.

Managers may establish by-laws.

§ 8. The managers are hereby directed and empowered to establish such by-laws as they may deem necessary and expedient for regulating the appointment and duties of officers, attendants and assistants, for fixing the conditions of admission, support and discharge of patients, and for conducting in a proper manner the business of the institution; also, to ordain and enforce a suitable system of rules and regulations for the internal government, discipline and management of the asylum.

§ 9. The superintendent shall be the chief executive officer of the asylum. He shall have the general superintendence of the buildings, grounds and farm, together with their furniture, fixtures and stock ; and the direction and control of all persons therein, subject to the laws and regulations established by the managers. He shall daily ascertain the condition of all the patients and prescribe their treatment in the manner directed in the by-laws. He shall have the nomination of his co-resident officers, with power to assign them their respective duties, subject to the by-laws ; also to appoint with the managers' approval, such and so many other officers, assistants and attendants, as he may think proper and necessary for the economical and efficient performance of the business of the asylum, and to prescribe their several duties and places, and to fix, with the managers' approval, their compensation, and to discharge any of them at his sole direction ; but in every case of discharge he shall forthwith record the same with the reasons, under an appropriate head, in one of the books of the asylum. He shall also have power to suspend, until the next monthly meeting of the managers, for good and sufficient cause, a resident officer ; but in such case he shall forthwith give written notice of the fact, with its causes and circumstances, to one of the managers, whose duty thereupon shall be to call a special meeting of the board to provide for the exigency. He shall also, from time to time, give such orders and instructions as he may judge best calculated to ensure good conduct, fidelity and economy in every department of labor and expense ; and he is authorized and enjoined to maintain salutary discipline among all who are employed by the institution, and to enforce strict compliance with such instructions, and uniform obedience to all the rules and regulations of the asylum. He shall further cause full and fair accounts and records of all his doings, and of the entire business and operations of the institution, to be kept regularly, from day to day, in books provided for that purpose, in the manner and to the extent prescribed in the by-laws ; and he shall see that all such accounts and records are fully made up to the last day of November in each year, and that the principal facts and results, with his report thereon, be presented to the managers within thirty days thereafter. The assistant physician shall perform the duties, and be subject to the responsibilities of the of the superintendent in his sickness or absence.

Powers and
duties of
superinten-
dent.

§ 10. The resident officers of the State Lunatic Asylum, and all attendants and assistants actually employed therein, during the time of such employment shall be exempt from serving on juries, from all assessments for labor on the highways, and in time of peace, from all service in the militia ; and the certificate of the superintendent shall be evidence of the fact of such employment.

Privileges
of officers.

Managers to keep record of their doings.

§ 11. The managers shall keep, in a bound book to be provided for that purpose, a fair and full record of all their doings, which shall be open at all times to the inspection of the Governor of the state, and of all persons whom he, or either house of the legislature may appoint to examine the same.

Inspection and visitation of asylum.

§ 12. The managers shall maintain an effective inspection of the asylum; for which purpose, one of them shall visit it every week, two once every month, a majority once every quarter, and the whole board once a year, at the times and in the manner prescribed in the by-laws. In a book kept by the managers for this purpose, the visiting manager or managers shall note the date of each visit, the condition of the house, patients, &c. with remarks of commendation or censure, and all the managers present shall sign the same. The general results of these inspections, with suitable hints, shall be inserted in the annual report, detailing the past year's operations and actual state of the asylum, which the managers shall make to the legislature in the month of January in each year, accompanied with the annual reports of the superintendent and treasurer.

Officers to admit managers into every part of asylum.

§ 13. It shall be the duty of the resident officers to admit any of the managers into every part of the asylum, and to exhibit to him or them, on demand, all the books, papers, accounts, and writings belonging to the institution, or pertaining to its business, management, discipline, or government; also, to furnish copies, abstracts, and reports, whenever required by the managers.

Treasurer to have the custody of money, &c. and to keep accounts.

§ 14. The treasurer shall have the custody of all moneys, bonds, notes, mortgages, and other securities and obligations belonging to the asylum. He shall open, with one of the banks in Utica, to be selected with the approbation of the Comptroller of the state, an account in his own name, as treasurer of the asylum; and he shall deposit all moneys immediately upon receiving them in said bank, and shall draw for the same only for the uses of the asylum, and in the manner prescribed in the by-laws, upon the written order of the steward, specifying the object of the payment. He shall keep full and accurate accounts of receipts and payments, in the manner directed in the by-laws, and such other accounts as the managers shall prescribe. He shall balance all the accounts on his books annually, on the last day of November, and make a statement of the balances thereon; and an abstract of the receipts and payments of the past year; which he shall, within three days, deliver to the auditing committee of the managers, who shall compare the same with his books and vouchers, and verify the results by a further comparison with the books of the steward, and certify the correctness thereof, within the next five days, to the managers. He shall further

render a quarterly statement of his receipts and payments, on the first days of March, June, and September in each year, to the auditing committee, who shall compare and verify the same as aforesaid, and report the results, duly certified, to the managers, who shall cause the same to be recorded in one of the books of the asylum. He shall further render an account of the state of his books, and of the funds and other property in his custody, whenever required so to do by the managers.

§ 15. The treasurer of the State Lunatic Asylum shall be vested with the same powers, rights, and authority which are now by law given, either to superintendents of the poor or to overseers of the poor, in any county or town of the state, so far as may be necessary for the indemnity and benefit of the asylum, and for the purpose of compelling a relative or committee to defray the expenses of a lunatic's support in the asylum, and reimburse actual disbursements for his necessary clothing and travelling expenses, according to the by-laws of the institution; also for the purpose of coercing the payment of similar charges when due, according to said by-laws, from any town or city or county that is liable for the support of any lunatic in said asylum.

Treasurer to have the same power as superintendents and overseers of the poor, in certain cases.

§ 16. Said treasurer is also authorized to recover, for the use of the asylum, any and all sums which may be due upon any note or bond in his hands belonging to the asylum; also any and all sums which may be charged and due, according to the by-laws of the asylum, for the support of any patient therein, or for actual disbursements made in his behalf, for necessary clothing and travelling expenses, in an action to be brought in said treasurer's name, as treasurer of the State Lunatic Asylum, and which shall not abate by his death or removal, against the individual, town, city, or county legally liable for the maintenance of said patient, and having neglected to pay the same when demanded by the treasurer; in which action, the declaration may be in a general indebitatus assumpsit; and judgment shall be rendered for such sum as shall be found due, with interest from the time of the demand made as aforesaid. Said treasurer may also, upon the receipt of the money due upon any mortgage in his hands, belonging to the asylum, execute a release, and acknowledge full satisfaction thereof, so that the same may be discharged of record.

Authorized to recover all sums due to asylum.

§ 17. The steward, under the direction of the superintendent, shall make all purchases for the asylum, and preserve the original bills and receipts thereof, and keep full and accurate accounts of the same, and copies of all orders drawn by himself upon the treasurer; he shall also, under like direction, make contracts in the superintendent's name, with the attendants and assistants, and keep and settle their accounts; he shall also keep the accounts for the support of patients, and expenses incurred in their behalf, and furnish the treasurer every month with copies of such as fall due; he shall make

Powers and duty of the steward.

quarterly abstracts of all his accounts to the last day of every February, May, August, and November, for the treasurer and managers; he shall also be accountable for the careful keeping and economical use of all furniture, stores, and other articles provided for the asylum; and shall annually, during the third week in November, make out and file with the managers a true and perfect inventory, verified by oath, of all the personal property belonging to the asylum, in and about the premises, with an appraisal thereof, made under oath, by himself and some discreet householder of the city of Utica, whom the managers shall appoint for that purpose.

Notice to be given when asylum is ready for admission of patients.

§ 18. As soon as the asylum shall be ready for the admission of patients, the managers shall cause notice thereof to be published for two weeks in the state paper, and sent to the clerk of every county, who shall transmit copies thereof, to the superintendents of the poor of said county, by mail. A circular from the superintendent shall accompany said notice to each county clerk, and to the superintendents of the poor, designating different days for the counties severally to send to the asylum their respective quotas of patients, and giving all necessary directions respecting admission and support, according to the by-laws.

Patients how admitted.

§ 19. No patient shall be admitted into the asylum, except upon an order of some court, justice, judge, or supreme court commissioner, without lodging with the superintendent, first, a request, under the hand of the person by whose direction he is sent, stating his age and place of nativity, if known, his christian and surname, place of residence, occupation, and degree of relationship, or other circumstance of connection between him and the person requesting his admission; and second, a certificate, dated within two months, under oath, signed by two respectable physicians, of the fact of his being insane; each person signing such request or certificate, shall annex to his name his profession or occupation, and the town, county, and state of his residence, unless these facts appear upon the face of the document.

Lunatics when to be sent to asylum in cases hereafter occurring.

§ 20. In every case of lunacy hereafter occurring and provided for by Title three, Chapter twenty, Part first, of the Revised Statutes, the lunatic shall be sent within ten days to the State Lunatic Asylum, or "to such public or private asylum as may be approved by a standing order or resolution of the supervisors of the county;" and the provisions of said Title three, allowing other places of confinement beyond ten days, are hereby repealed. The superintendents and overseers of the poor named in the several sections of said Title three, are severally enjoined to see that this provision be carried into effect in the most humane and speedy manner; as well in case the lunatic or his relatives are of sufficient ability to defray the expenses, as in case of a pauper.

Repeal.

§ 21. If any lunatic confined under the statute, Title three, last aforesaid, or any friend in his behalf, be dissatisfied with any final decision or order of the justices, or of any overseer or superintendent of the poor, under such statute, he may, within three days after such order or decision, appeal to one of the judges of the county, making complaint on oath, and such judge shall thereupon stay his being sent out of the county, and forthwith call a jury to decide upon the fact of lunacy; after a full and fair investigation, aided by the testimony of two respectable physicians, if such jury find him sane, the judge shall forthwith discharge him, otherwise he shall confirm the order for his being immediately sent to an asylum. In case the justices refuse to make an order for confinement, they shall state their reasons for such refusal in writing, so that any person aggrieved thereby may appeal, as above, to a county judge, who shall hear and determine the matter in a summary way, or call a jury, as he may think most fit and proper. In every case of appeal the judge shall have the same power to take testimony and compel the attendance of witnesses and jurors, as a justice has in civil cases.

Appeal may be made from order of justice or overseer

§ 22. In every case of "confinement" under the statute, Title three, last aforesaid, whether of a pauper or not, after the passage of this act, neither justices, superintendents, or overseers of the poor, shall order or "approve" of such confinement, without having the evidence of two reputable physicians, under oath, as to the alleged fact of insanity; and such testimony shall be reduced to writing and filed, with a brief report of all the other proofs, facts and proceedings in the case, in the office of the county clerk; and said clerk shall file said papers and register with date, the names and residence of the lunatic and officers severally, in tabular form, in the book of miscellaneous records, kept in said office; and the certificate of said clerk, and seal of the court, verifying such facts, shall warrant such lunatic's admission into the asylum.

Confinement not to be ordered or approved of until insanity is proved.

§ 23. All lunatics whose confinement under the said statute, Title three, is in a jail, or has commenced since the last day of December, eighteen hundred and forty, (except those whose mental derangement is upon the testimony under oath of two respectable physicians, manifestly incurable, or whose bodily infirmities indicate the approach of speedy dissolution,) and who are not already under special resolution of the supervisors as aforesaid, in some other approved asylum, shall be sent to the State Lunatic Asylum, within such time and under such regulations as shall be prescribed by the by-laws, after the asylum shall be open for the reception of patients. Superintendents of the poor, and all persons having the care of such lunatics, shall see to carrying this into effect.

Provision as to lunatics confined in a jail.

§ 24. The superintendent shall make, in a book kept for the purpose, at the time of reception, a minute with date of the name, residence, office and occupation of the person by whom,

Names, &c. of persons bringing lunatics to be recorded.

and by whose authority, each insane person is brought to the asylum, and have all the orders, warrants, requests, certificates and other papers accompanying him, forthwith copied into the same.

Number of patients allowed to each county.

§ 25. Each county may at all times have one indigent insane patient in the asylum, whose disease at the time of admission was a first attack, and did not exceed six months; and such further number of either old or recent cases as the asylum can accommodate, in proportion to the insane population of the county. The patients shall be designated by the superintendents of the poor, or, if the county has no such superintendents, by the first judge.

Certain indigent persons not paupers to be admitted.

§ 26. When a person in indigent circumstances, not a pauper, becomes insane, application may be made in his behalf to the first judge of the county where he resides; and said judge shall call two respectable physicians and other credible witnesses, and fully investigate the facts of the case, and either with or without the verdict of a jury, at his discretion, as to the question of insanity, shall decide the case as to his indigence. And if the judge certifies that satisfactory proof has been adduced showing him insane, and his estate is insufficient to support him and his family, (or if he has no family, himself,) under the visitation of insanity, on his certificate, authenticated by the county clerk and seal of the county courts, he shall be admitted into the asylum and supported there at the expense of said county, until he shall be restored to soundness of mind, if effected in two years. The judge, in such case, shall have requisite power to compel the attendance of witnesses and jurors, and shall file the certificate of the physicians, taken under oath, and other papers, with a report of his proceedings and decision, with the clerk of the county, and report the facts to the supervisors, whose duty it shall be, at their next annual meeting to raise the money requisite to meet the expenses of support accordingly.

Counties to support such persons after six months.

§ 27. When an insane person in indigent circumstances shall have been sent to the asylum by his friends, who have paid his bills therein for six months, if the superintendent shall certify that he is a fit patient and likely to be benefitted by remaining in the institution, the supervisors of the county of his residence are authorized and required, upon an application under oath in his behalf, to raise a sum of money sufficient to defray the expenses of his remaining there another year, and pay the same to the treasurer of the asylum. And they shall repeat the same for two succeeding years, upon like application and the production of a new certificate each year, of like import from the superintendent.

Term of admission.

§ 28. No patient shall be admitted into the asylum for a shorter period than six months, except in special cases as specified in the by-laws.

§ 29. Whenever there are vacancies in the asylum, the managers may authorize the superintendent to admit, under special agreements, such recent cases, as may seek admission under peculiarly afflictive circumstances, or which, in his opinion, promise speedy recovery. Vacancies.

§ 30. All town and county officers sending a patient to the asylum, shall, before sending him, see that he is in a state of perfect bodily cleanliness and is comfortably clothed, and provided with suitable changes of raiment, as prescribed in the by-laws. Bodily cleanliness and clothing of patients.

§ 31. When a person shall have escaped indictments or shall have been acquitted of a criminal charge upon trial, on the ground of insanity, the court being certified by the jury or otherwise, of the fact, shall carefully inquire and ascertain whether his insanity in any degree continues, and if it does, shall order him in safe custody, and to be sent to the asylum. If such person be sent to the asylum, the county from which he is sent shall defray all his expenses while there, and of sending him back if returned; but the county may recover the amount so paid, from his own estate if he have any, or from any relative, town, city or county that would have been bound to provide for and maintain him elsewhere. Provisions as to persons acquitted after trial, on the ground of insanity.

§ 32. If any person in confinement, under indictment or under sentence of imprisonment, or under a criminal charge, or for want of bail for good behavior, or for keeping the peace, or for appearing as a witness, or in consequence of any summary conviction, or by order of any justice, or under any other than civil process, shall appear to be insane, the first judge of the county where he is confined, or if the first judge be absent from the county, any county judge of the degree of counsellor of the supreme court, shall institute a careful investigation, call two respectable physicians and other credible witnesses, invite the district attorney to aid in the examination, and if he deem it necessary, call a jury, and for that purpose is fully empowered to compel the attendance of witnesses and jurors; and if it be satisfactorily proved that he is insane, said judge may discharge him from imprisonment and order his safe custody and removal to the asylum, where he shall remain until restored to his right mind; and then, if the said judge shall have so directed, the superintendent shall inform the said judge and the county clerk and district attorney thereof, so that the person so confined may within sixty days thereafter, be remanded to prison, and criminal proceedings be resumed, or otherwise discharged; or if the period of his imprisonment shall have expired he shall be discharged. The provisions of the last preceding section requiring the county to defray the expenses of a patient sent to the asylum, shall be equally applicable to similar expenses arising under this section and the one next following. As to persons in confinement or under sentence of imprisonment, &c.

§ 33. If a person imprisoned on attachment, or any civil process, or for the non-payment of a militia fine, becomes insane, As to persons imprisoned on at-

treasurer,
&c.

one of the judges mentioned in the last preceding section of this act, shall institute like proceedings in his case as are required in the case provided for in said section ; but notice shall in such case be given by mail or otherwise, to the plaintiff or his attorney, if in the state ; and if it shall be proved to the satisfaction of said judge that the prisoner is insane, he may discharge him from imprisonment and order him into safe custody and to be sent to the asylum ; nevertheless, the creditor may renew his process, and arrest again his debtor when of sound mind.

Persons
charged
with misde-
meanors and
acquitted.

§ 34. Persons charged with misdemeanors and acquitted on the ground of insanity, may be kept in custody and sent to the asylum, in the same way as persons charged with crime.

Price for
keeping the
poor and in-
digent.

§ 35. The price to be paid for keeping the poor, or any persons, in indigent circumstances, in the asylum, until the first day of April, eighteen hundred and forty-three, shall be two dollars and fifty cents per week ; thereafter it shall be annually fixed by the managers and shall not exceed the actual cost of support and attendance, exclusive of officers' salaries. But the managers may reduce the price, if they think proper, in behalf of one indigent patient from each county, if admitted within six months of the first attack of the disease, for one year, unless sooner cured. The managers may, at their discretion, require payments after the first of December next, to be made quarterly or semi-annually, in advance.

Liability of
persons sup-
ported.

§ 36. Every insane person supported in the asylum shall be personally liable for his maintenance therein, and for all necessary expenses incurred by the institution in his behalf. And the committee, relative, town, city, or county that would have been bound by law to provide for and support him if he had not been sent to the asylum, shall be liable to pay the expenses of his clothing and maintenance in the asylum, and actual necessary expenses to and from the same.

Certain pa-
tients to be
supported by
counties.

§ 37. The expenses of clothing and maintaining, in the asylum, a patient who has been received upon the order of any court, or officer, shall be paid by the county from which he was sent to the asylum. The treasurer of said county is authorized and directed to pay to the treasurer of the asylum, the bills for such clothing and maintenance, as they shall become due and payable, according to the by-laws of the asylum, upon the order of the steward ; and the supervisors of said county shall annually levy and raise the amount of such bills, and such further sum as will probably cover all similar bills for one year in advance. Said county, however, shall have the right to require any individual, town, city, or county that is legally liable for the support of such patient, to reimburse the amount of said bills, with interest from the day of paying the same.

Expense of
removing
certain pa-
tients how
paid

§ 38. Whenever the managers shall order a patient removed from the asylum to the poor house of the county whence he came, the superintendents of the poor of said county shall audit and pay the actual and reasonable expenses of such removal as

part of the contingent expenses of said poor house. But if any town or person be legally liable for the support of such patient, the amount of such expenses may be recovered for the use of the county, by such superintendents. If such superintendents of the poor neglect or refuse to pay such expenses, on demand, the treasurer of the asylum may pay the same and charge the amount to the said county; and the treasurer of the said county is authorized to pay the same, with interest after thirty days; and the supervisors of the said county shall levy and raise the amount as other county charges.

§ 39. Every town or county paying for the support of a lunatic in the asylum, or for his expenses in going to or from the same, shall have the like rights and remedies to recover the amount of such payments, with interest from the time of paying each bill, as if such expenses had been incurred for the support of the same, at other places, under existing laws. Expense of supporting lunatics how recovered.

§ 40. None of the provisions of this act shall restrain or abridge the power and authority of the chancellor of the state, over the persons and property of the insane. Powers of chancellor.

§ 41. The managers upon the superintendent's certificate of complete recovery, may discharge any patient, except one under a criminal charge, or liable to be remanded to prison; and they may send back, to the poor house of the county whence he came, any patient admitted as "dangerous," who has been one year in the asylum, upon the superintendent's certificate, that he is harmless and will probably continue so, and not likely to be improved by further treatment in the asylum, or when the asylum is full, upon a like certificate that he is manifestly incurable, and can probably be rendered comfortable at the poor house; they may also discharge and deliver any patient, except one under criminal charge as aforesaid, to his relatives or friends, who will undertake with good and approved sureties, for his peaceable behavior, safe custody and comfortable maintenance, without further public charge. Patients completely recovered when discharged.

§ 42. A patient of the criminal class may be discharged by order of one of the justices of the supreme court, or a circuit judge, if upon due investigation it shall appear safe, legal and right to make such order. Patients of the criminal class.

§ 43. No patient shall be discharged without suitable clothing; and if it can not be otherwise obtained, the steward shall, upon the order of two managers, furnish it, also money not exceeding twenty dollars, to defray his necessary expenses until he reaches his friends, or can find a chance to earn his subsistence. Patients discharged to be suitably clothed.

§ 44. It shall be the duty of the assessors in each town and ward in the state, every year, to make diligent inquiry, and ascertain with accuracy the number and names of all insane persons in said town or ward, and to make a list of the same with the best account they can get, in each case of the patient's age, general health, habits and occupation, kind, degree Assessors to ascertain the number of insane persons yearly.

and duration of insanity, and pecuniary ability of self and relatives liable for his support. They shall send this list, with all the facts brought down to the latest period, to the clerk of the county, by the first day of August; who shall carefully condense the facts exhibited, and mail the same to the treasurer of the asylum at Utica, without delay. No county clerk shall receive any compensation for any services performed under this act.

Money to be paid by state treasurer for furniture of asylum, &c.

§ 45. The Treasurer of the state is hereby directed to pay to the treasurer of the State Lunatic Asylum, upon the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, such sum or sums of money, as may be required by the certificates of the superintendent of said asylum, to provide furniture, stock, books and fixtures for the said asylum, not exceeding in the whole sixteen thousand dollars; and such further sum or sums as may be required by like certificates, not exceeding in the whole eight thousand dollars, to purchase food, fuel and medicines, and to defray the contingent expenses of said asylum; also such further sum or sums not exceeding two thousand dollars, upon like certificates, to enclose and improve the grounds of said asylum.

Meaning of terms used in this act.

§ 46. The terms "lunacy," "lunatic" and "insane," as used in this act, include every species of insanity, and extend to every deranged person, and to all of unsound mind other than idiots; the word "oath" includes "affirmation;" the words "justice" and "justices" mean "justice of the peace," "justices of the peace;" the word "overseer" means "overseer of the poor," and "county superintendent" means "superintendent of the poor;" the word "asylum" and "institution" means "State Lunatic Asylum;" a word denoting the singular number is to include one or many; and every word importing the masculine gender only may extend to, and include females.

Expenses of managers to be paid.

§ 47. The managers of the State Lunatic Asylum shall receive no compensation for their services, but shall receive their actual and reasonable travelling and other expenses, to be paid on the warrant of the comptroller, on the rendering of their accounts.

All purchases to be made for cash.

§ 48. All purchases for the use of the asylum shall be made for cash, and not on credit, or time; every voucher shall be taken duly filled up at the time it is taken, with every abstract of vouchers for money paid shall be proof on oath that the voucher was filled up and the money paid therefor at the time the voucher was taken; and the managers shall make all needful rules and regulations to enforce the provisions of this section.

In case of deficiency of funds money may be advanced.

§ 49. If the managers shall find that the funds at their command will prove insufficient to carry on the asylum, they may apply to the Governor, Secretary of State, Comptroller, and Attorney-General, specifying the purchases to be made, and if

the Governor, Secretary of State, Comptroller and Attorney-General shall be of opinion that the purchases are necessary, they may make an order that a sum not exceeding five thousand dollars in any one year be advanced to the managers by the Comptroller out of any money in the treasury not otherwise appropriated.

§ 50. So much of the fourth section of the act to authorize the establishment of the New-York State Lunatic Asylum, passed March 30, 1836, as provides for the appointment of three commissioners, is hereby abolished; all the powers conferred upon said commissioners by said act, or any subsequent act of the legislature, are hereby conferred upon the managers appointed by this bill. Powers under act of 1836.

§ 51. This act shall take effect immediately, except its requirements for sending the insane to the asylum, which shall take effect as soon as the managers' notice of the asylum being ready as aforesaid, shall have been published for two weeks in the state paper. Act when to take effect.

CHAP. 136.

AN ACT to amend the act incorporating the village of Jamestown in the county of Chautauque.

Passed April 7, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The district of country in the town of Ellicott and county of Chautauque, contained in the following boundaries, that is to say, beginning at the southeast corner of lot number twenty-seven in the second township and eleventh range of townships of the Holland Land Company's survey; thence south to the south line of the town of Ellicott; thence west along said line to the southwest corner of the town of Ellicott; thence north along the town line between the towns of Ellicott and Busti, to the centre of the Chautauque outlet; thence along the centre of said outlet to the north line of lot number thirty-four; thence easterly along the line of lots thirty-four and twenty-six to the place of beginning, shall continue to be a body corporate, by the name and style of "the village of Jamestown," and shall remain invested with all its corporate property and rights, shall enjoy the privileges and be subject to the liabilities of the provisions of the third Title of Chapter eighteenth of the first Part of the Revised Statutes. Boundaries.

§ 2. The inhabitants qualified by law to vote at town meetings, and residing within the aforesaid limits, shall meet on the first Monday of May next, and annually thereafter on the First meeting of inhabitants.

first Monday of May, at such place and hour of the day as the trustees shall by public notice direct.

Notice to be given.

§ 3. Fifteen days previous notice of the time and place of holding said meeting, or of any special meeting, shall be given by putting up a notice thereof, signed by the clerk or trustees, at four or more public places in said village, or by publishing a copy thereof, at least two weeks, in any newspaper that may be printed therein. Such notices shall designate the time and place of holding the meeting called thereby, and in case of special meeting, also the objects of said meeting; and either of such notices shall be sufficient notification to all persons entitled to vote thereat.

Officers to be elected annually.

§ 4. At each annual meeting, there shall be chosen by ballot and by a plurality of votes, five trustees, three assessors, one clerk, one treasurer, one constable who shall be collector, each of whom shall be qualified voters of said village, and shall respectively hold their offices until the next annual meeting, and until their successors shall have taken the requisite oaths of office; all the officers voted for shall be named in one ballot.

§ 5. Such elections shall be conducted in all respects as nearly as may be, as elections for town officers; and the officers presiding at the same, shall possess all the powers and authority as officers conducting town meetings. At each meeting of the inhabitants of said village, the president thereof, or in his absence one of the trustees, shall preside.

Money may be raised by tax.

§ 6. The inhabitants of said village qualified to vote at village meetings shall have power at any annual or special meeting, to direct the raising by tax, of such sums of money, not exceeding in the aggregate five hundred dollars in any one year, for the general purposes and improvements in said village; and may also, at any annual meeting, by vote, direct the raising of such other sums of money as they may deem proper, for the then ensuing year, for the purpose of affording to the trustees, assessors, clerk and other officers of said village, or any of them, such suitable compensation for their services, not exceeding one dollar per day for the time actually and necessarily employed in the business of said corporation; such compensation to be ascertained and fixed by the by-laws of said village.

Officers elected to be notified by clerk.

§ 7. All officers who shall be elected or appointed in said village, shall be immediately notified of such election or appointment by the clerk, and within five days after such notice, the officers named in the fourth section of this act shall take and subscribe the oath of office prescribed by the constitution of the state of New-York; and all others shall signify their acceptance in writing, to be filed with the clerk, and in case any person so elected or appointed, shall neglect or refuse to take and subscribe such oath, or to take

upon himself the duties of such office, shall forfeit the sum of five dollars for the use of said village. In case of the refusal, neglect, or inability of any person so chosen or appointed, to comply with the provisions of this section, then such office shall be deemed vacant, and may be filled in the manner provided in the eleventh section of this act.

§ 8. The trustees shall, on or before the Monday next succeeding the day, and at the place of the annual meeting, meet together and elect one from their number to be president of said village, who shall preside at their meetings, and at the annual and special meetings of the inhabitants of said village, called pursuant to the provisions of this act; they shall hold stated meetings at the times prescribed by the by-laws, and special meetings when called in the manner prescribed by said by-laws; to call special meetings of the inhabitants whenever it may be necessary in the opinion of a majority of such trustees, either to fill vacancies in office, to raise taxes, or for other purposes, and generally to enforce and carry into effect the provisions of this act, and of such by-laws as may be from time to time made in pursuance thereof, and of all powers invested in them for the good order and government of said village.

§ 9. The trustees shall have power,

1. To appoint one of their number to perform the duties of the president in his absence. Powers of trustees.

2. To purchase and hold such real estate as may be necessary for the site of engine houses, hay scales, pounds and markets.

3. To purchase fire engines and other usual and necessary apparatus and implements for extinguishing fires, and to erect, hire or purchase houses for the safe keeping thereof, when authorized by a vote of the inhabitants duly qualified in meeting assembled.

4. To organize and provide for the government, duties and exercise of fire companies and hook and ladder companies.

5. To inspect or cause to be inspected, fire places, chimneys, stoves, stove pipes, and all other places where fire may in any manner be used, and to cause the same to be put and kept in safe condition, and to enter and cause others to enter houses and all other buildings and places for such purposes at all proper times.

6. To compel the inhabitants to keep fire buckets, and to keep their ashes in safe places.

7. To appoint fire wardens and engineers, and to prescribe their powers and duties.

8. To provide for the construction, preservation and use of public fountains, conduits, wells, pumps, reservoirs and water works of every kind.

9. To purchase or construct hay scales and pounds, when authorized by a vote of the corporation, and regulate the use thereof, and the manner and price of weighing hay and other articles.

10. To direct the manner of cleansing, preserving, grading, levelling, excavating, repairing, curbing, gravelling, paving, flagging, or draining the streets, sidewalks, alleys and highways, and to prevent and remove obstructions and incumbrances therein.

11. To prevent immoderate and improper riding or driving in said village.

12. To restrain and prevent the running at large of animals of all kinds, and to appoint one or more pound keepers, to regulate their powers and duties.

13. To control the location of slaughter houses, and to prevent, abate, or remove nuisances.

14. To provide for the safe keeping and repairing the property of said corporation.

15. To appoint all such officers and fill all vacancies in office, the appointment of which is given to them.

16. To direct the time within which the assessors of said village shall complete any assessment roll or tax list, and to correct the same on appeal.

17. To require of the treasurer and constable and collector, such security as they may deem proper, for the faithful performance of their respective duties.

18. To prescribe the manner of drawing moneys from the hands of the treasurer.

19. To issue warrants under their corporate seal and signatures of the president and clerk, for the collection of taxes, and to renew the same for any tax not collected, as often as they may deem necessary; and to direct the time within which the collector shall collect and pay over the same.

20. To regulate the keeping and transporting of gunpowder or other dangerous materials, and the use of lamps, lights or candles, in all stables, shops, and other places.

21. To protect trees, monuments, and other ornamental or useful erections, and to light the streets in said village.

22. To make all such rules, regulations, by-laws and ordinances for maintaining the safety, peace, order and good government of said village, and as they may deem expedient, not repugnant to the constitution or laws of this state or of the United States.

23. To prescribe and ordain suitable fines, penalties and forfeitures for offending against such by-laws, rules, regulations and ordinances, and the provisions of this act, not exceeding twenty-five dollars for any one offence, and to remit such fines, penalties and forfeitures, wholly or in part.

§ 10. Every fine, penalty or forfeiture incurred for any offence ^{Fines and Penalties, how collected.} against the by-laws, rules, regulations or ordinances of said village, or of the provisions of this act, or of any or either of them, may be sued for and recovered in the name of the trustees of the village of Jamestown, in an action of debt, or other appropriate action, with costs, before any justice of the peace or court having jurisdiction thereof; in which action it shall be sufficient for the parties to declare and plead generally, referring to the statute, by-law, rule, regulation or ordinances, for a violation of which the action is brought in the manner provided in Article first, Title sixth, Chapter eight of Part third of the Revised Statutes, and under such pleadings to give the special matter in evidence; and no inhabitant of said village shall for that cause be incompetent to act as justice, juror, witness or constable in any such suit. Such fines, penalties and forfeitures shall be paid to the treasurer of said village for the use thereof, and within ten days after being collected.

§ 11. Vacancies in the office of trustees shall be filled by election, at a special meeting of the inhabitants, called by the remaining trustees; vacancies in all other offices shall be filled by appointment, in writing, by the trustees, under the corporate seal and signature of the president or trustees. ^{Vacancies, how filled.}

§ 12. The treasurer shall keep an accurate account in writing, ^{Treasurer's duty.} of the expenses and disbursements of said corporation, and of all moneys received and paid by him during his continuance in office, and shall, at every annual meeting, prepare and state the account of the current year in writing, to be filed with the clerk; and if any balance remains in his hands or the hands of the trustees, the same shall be paid over to his successor. At every such meeting, the trustees shall make a statement, in writing of the sums they shall deem necessary to be raised for general purposes during the year, and for what purposes, as nearly as may be; and the taxable inhabitants may determine by vote whether such sums shall be raised, and how much, and what part thereof. The treasurer shall also give security for the faithful performance of his duties, as shall be required by the trustees, and account to the trustees when required by them.

§ 13. The clerk shall have the custody of the records, books and papers of the corporation, and shall file and preserve all papers delivered to him for that purpose; he shall attend all meetings of the inhabitants of said village and of the trustees, and keep a faithful record of their proceedings in suitable books to be kept for the purpose; he shall keep a poll list of the names of persons voting at any election of officers; in case of his absence from any such meeting, the trustees or a majority of those present shall appoint some suitable person to perform the duties of his office for that time only. The clerk shall also give notice to persons, of their election or appointment to office, in the cases and in the manner that clerks of towns are required ^{Clerk's duty}

to perform the same service, and shall also do and perform all such other acts and duties as may be enjoined upon him from time to time by the trustees.

Constable's
& collector's
duties.

§ 14. The constable and collector shall give such security for the faithful performance of the duties of his office as shall be required by the trustees; upon receiving any tax list and warrant, he shall collect and pay over to the treasurer, the taxes mentioned in such list, within the time specified in the warrant therefor, or within such other time as shall be allowed by the trustees, retaining for his fees such per cent of the amount collected as shall be allowed by the trustees, not exceeding five per cent; in the collection of taxes, he shall have the like powers, and proceed in the like manner as collectors of towns.

Assessments

§ 15. All assessment of taxes for general purposes other than for highways, shall be made upon the taxable real and personal property in said village, according to its actual value, without regard to the assessment roll of the town of Ellicott, exclusive of farms and woodlands. All assessments upon real estate shall be against the owners and occupants thereof, and may be collected of either; and if collected of, or paid by the occupant, may be by him recovered of the owner in an action for money paid at his request, if such owner ought to pay the same; and all assessments for improving streets and sidewalks, except highway taxes, shall be made upon the lots adjoining the streets or sidewalks to be improved, in proportion as they are deemed to be benefitted thereby.

Streets and
sidewalks.

§ 16. The trustees shall direct an assessment of a tax for the improvement of streets and sidewalks, upon application to them in writing, by a majority of those to be taxed therefor.

Village to be
divided into
districts.

§ 17. It shall be the duty of the trustees, once in two years, to divide said village into a convenient number of districts, and number the same; and whenever they shall deem any well, aqueduct, reservoir of water, or other local improvement, necessary in any such district, for the extinguishment of fires therein, the trustees shall call a meeting of the taxable inhabitants of such district; the notice for which shall specify the objects thereof; and the majority of the taxable inhabitants of said district who shall attend such meeting, shall have power, by vote, to direct the raising, by tax upon the taxable real property in such district, such sums as they may deem necessary to carry into effect the objects specified in such notice; but no property shall be taxed for the purpose of making such improvement, which shall have paid a tax for like purposes within four years, by reason of the alterations of the bounds of any such district. The president and clerk shall attend all such meetings, as officers thereof, and in case of their non-attend-

ance, others may be chosen to perform their duties for the time being.

§ 18. In case any of the taxes authorized by this act shall not be collected, the collector, at the expiration of the time mentioned in the warrant, shall return to the treasurer, together with the warrant, a statement of all the taxes not collected, and the reasons of the failure, with the names of the delinquents and a description of the property taxed, and amount of tax as in the tax roll; which return shall be verified by the affidavit of the collector.

Unpaid taxes to be returned.

§ 19. All taxes levied by virtue of this act shall be a lien upon the real estate upon which they shall be assessed, either wholly or in part, and the trustees, on the return of the collector, as mentioned in the last preceding section, may, when such taxes, with interest, shall have amounted to the sum of five dollars, order him to advertise and sell such real estate, or any part thereof, for the payment of such tax. On receiving such order in writing, the collector shall advertise and sell such real estate as it may designate, by first giving six weeks' notice in a newspaper printed in said village, and in case none is published in said village, then in a newspaper printed in the county of Chautauque, and by posting a copy of such notice in three or more public places in said village, of the time and place of sale, the person or persons against whom the taxes, to pay which it is sold, are assessed, their amount respectively, the times when levied, their general object, and the property against which they are charged. At the time mentioned in the notice, the real estate so advertised shall be sold, under the direction of the treasurer, by the collector, who shall act as auctioneer, or in case of his absence or refusal to attend, by such person as may be appointed by the treasurer; and the said real estate shall be sold for the shortest time for which any person will purchase the same, and pay the assessment and the costs of sale, which costs shall in no case exceed five dollars.

Taxes levied to be a lien on real estate.

May be sold for non payment.

§ 20. If the owner or owners of such real estate shall not, within three months after such sale, pay or cause to be paid, such assessment, and costs of such advertisement and sale, and interest thereon, at the rate of ten per cent per annum, the trustees shall give to the purchaser a certificate of such sale under the corporate seal of the village, and file a duplicate thereof with the clerk, and also with the clerk of the county of Chautauque; and such purchaser, or his personal representatives or assigns, may, by virtue thereof, take, hold, and enjoy the real estate so sold, for such time or term of years, against the owner or owners thereof, and all claiming under him or them; provided, however, that at the expiration of such time or term, the purchaser, and all claiming under him, shall be at liberty to remove all fixtures and buildings which he or they shall have

Time limited for redemption.

erected or placed thereon, at any time within one month after the expiration of such time, and shall have a lawful right to enter upon such real estate for that purpose.

Persons may
be sued for
taxes.

§ 21. In case any tax can not be collected in the manner hereinbefore provided, it shall remain a debt against the person who ought to pay the same, and may be sued for and recovered of such person or persons, at any time within six years after the levying the same, in the name and for the use of the trustees of "the village of Jamestown," with costs.

Duty of as-
sessor.

§ 22. The assessors shall ascertain the valuation of all the taxable real and personal property in said village, pursuant to the fifteenth section of this act, within such time after the annual meeting as the trustees shall by resolution prescribe; which valuation shall be the basis upon which all taxes shall be assessed during the year. It shall also be the duty of the assessors to assess and apportion all taxes (except highway taxes,) within such time as the trustees shall prescribe, in manner aforesaid.

Tax list to
whom to be
delivered.

§ 23. Whenever the assessors shall have completed an assessment roll or tax list, for any purpose whatever, they shall deliver the same to the president of the corporation, or in his absence, to the clerk; such president or clerk shall immediately cause written or printed notices to be put up at four or more public places in said village, of the completion of such roll or tax list, and shall specify in such notices the time and place at which the trustees will meet to hear appeals from the doings of the assessors, which time shall not be less than ten days from that of putting up such notices. All persons to be affected by such assessment or tax shall have the privilege, at all reasonable times at or previous to such meeting of the trustees, to examine such assessment roll or tax list, and to appeal from the doings of the assessors to such trustees, at the time and place mentioned in such notices, and at such other times and places as the trustees shall appoint. The said trustees shall meet, and on any such appeal being made, shall have power to alter and correct such assessment roll or tax list as they shall deem just and equitable.

Copies of
tax list to be
made.

§ 24. Whenever any assessment roll or tax list shall be finally completed, a certified copy thereof shall be delivered to the clerk, and another to the treasurer of said village; a copy of such tax list, certified by the clerk, with a warrant, under the corporate seal and signature of the president and clerk, shall be delivered to the collector; such warrant shall command the collector, within a time to be fixed by the trustees, and therein specified, to collect of each individual, firm, or corporation named in such list, the amount of tax assessed to each respectively, as hereinbefore provided, and to pay the same to the treasurer.

§ 25. The said village is hereby declared a separate road district, and exempt from the supervision of the commissioners of highways of the town of Ellicott; the trustees shall be commissioners of highways for said village, and possess all the powers in respect to the highways, streets, alleys or lanes now in use, or hereafter to be laid out or opened within the limits of said village as is given to commissioners of highways of towns. They may divide said territory into as many road districts as they may deem proper, and appoint an overseer for each, annually, and to allow to them such compensation as they shall deem proper, not exceeding one dollar per day; such overseers shall possess all the powers, and discharge all the duties given to and enjoined upon overseers of highways in towns. The trustees may, in their discretion, direct the time, place, and manner, within any district in said village, of laying out the highway labor of said district, or any part thereof; and they may direct the laying out of any part of the same on any of the public roads leading into said village, within the town of Ellicott, whenever they shall deem it necessary; they shall determine by resolution the number of days' labor to be assessed upon the inhabitants of said village in any one year, and shall assess the same in manner following, that is to say, not less than one nor more than two days' labor upon each male inhabitant over twenty-one years of age, and the residue upon the taxable real and personal property in said village. Every person liable to work on the highways shall work the whole number of days for which he shall have been assessed, but every person may elect to commute for the same, or for any part thereof, at the rate of sixty-two and half cents for each day; in which case, such commutation money shall be paid to the overseers of highways of the district in which the person commuting shall reside, to be applied and expended by such overseer in the improvement of the highways in the same district, subject to the control of the trustees as before mentioned. The neglect or refusal to perform such labor or pay such commutation money, when required in the manner provided in Article third, Title first, Chapter sixteenth of the first Part of the Revised Statutes, shall subject the party so neglecting or refusing, to the same penalties, to be recovered in the same manner provided for in said article. The same right of appeal to the judges of the court of common pleas, from the determinations of the trustees, acting as commissioners of highways, as is given to the inhabitants of towns, in Title four, Chapter sixteen of the first Part of the Revised Statutes, is hereby reserved to the inhabitants of said village; and so much of said title as is not inconsistent with this act shall be applicable to said village.

§ 26. The trustees shall not be required to rebuild or repair either of the bridges across the Chautauque outlet in said vil- Bridges across outlet

lage, but such bridges shall be and remain as heretofore, under the superintendence of the commissioners of the town of Ellipton.

Treasurer,
constable
and collector
how sued.

§ 27. The remedy for any liability or breach of duty by the treasurer, or constable and collector, shall be by suit upon the official bond of such officer, in the name of the trustees.

Powers of
constable.

§ 28. The constable chosen or appointed by virtue of this act, shall not have power to serve any civil process out of the limits of said village, except in suits where the trustees shall be a party; he shall have the same powers in the service of criminal process, and as peace officer, as constables of towns; he shall be under the general directions of the trustees, in all matters relating to said village, and shall perform such services and duties in the abatement of nuisances, quelling riots, routs, unlawful assemblages and disturbances or otherwise, as they may direct.

Fire compa-
nies.

§ 29. The trustees shall have power, and it shall be their duty, to organize fire companies and hook and ladder companies; to appoint not exceeding thirty-five men to every effective engine at any time owned by said village, and not exceeding fifteen members to every hook and ladder company; to prescribe rules for their government; to regulate the time and manner of their exercises, and to remove them from office.

Their privi-
leges.

§ 30. Every inhabitant of said village, belonging to any fire company or hook and ladder company, shall be exempt from paying a poll tax on the highway, and from doing military service, except in cases of war, insurrection, or invasion. The evidence of the right to such exemption shall be a certificate, signed by the president or clerk of said village, and dated within two months previous to the time when such service or duty might otherwise be required.

Officers to
give notice
of the viola-
tion of law.

§ 31. It shall be the special duty of every officer chosen or appointed by virtue of this act, to give notice to the president or any trustee, of all violations of any of the statutes, by-laws, rules, regulations or ordinances of, or relating to said village, as shall come to his knowledge.

Penalty.

§ 32. Any person not qualified, as required by the foregoing provisions of this act, who shall vote contrary to the provisions thereof, shall forfeit and pay, for the use of said village, the sum of five dollars for every such offence.

Repeal.

§ 33. The act entitled "An act to vest certain powers and privileges in the freeholders and inhabitants of the village of Jamestown," passed March 6th, 1827, is hereby repealed.

Right to re-
peal.

§ 34. The legislature may at any time alter, modify, or repeal this act.

§ 35. This act shall take effect immediately.

CHAP. 137.

AN ACT in relation to common schools in the city of Utica.

Passed April 7, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. At the next annual election for city officers to be held in the city of Utica, there shall be elected six commissioners of common schools for the said city, who shall be elected in the same manner as justices of the peace, supervisors and constables are elected in said city pursuant to the act incorporating said city. Six commissioners to be elected.

§ 2. Within ten days after their election the persons so elected shall take and subscribe the oath of office prescribed by the constitution, and file the same with the clerk of said city ; and they or a majority of them shall thereupon meet and cause the whole number of commissioners so chosen to be divided into three classes, to be severally numbered first, second, and third. The term of office of the first class shall expire at the end of one year, of the second class at the end of two years, and of the third class at the end of three years ; but each class shall continue in office until their successors are elected, and have taken the oath of office. When to take oath of office.

§ 3. At every annual election for city officers in said city after the next, there shall in like manner be elected two commissioners of common schools, to supply the places of those whose term of office is about to expire ; they shall hold their office for three years, and until their successors are elected, and have taken the oath of office. The term of office of all commissioners elected pursuant to the provisions of this act, shall commence on the first Monday after the first Monday in March next succeeding their election. Two commissioners to be elected annually.

§ 4. The common council of said city may make appointments of commissioners of common schools, to fill vacancies which may occur from any cause other than the expiration of the term of office of the persons elected. The commissioners so appointed, shall hold their office for the unexpired term of those to supply whose places they are appointed. Vacancies, when and how filled.

§ 5. Any commissioner of common schools in said city may be removed from office for official misconduct by the common council thereof, by a vote of two-thirds of the members thereof. Removal, when and how made.

§ 6. The commissioners of common schools in said city shall constitute a board, to be styled "The Commissioners of Common Schools in the city of Utica," which shall be a corporate body in relation to all the powers and duties conferred upon them by virtue of this act ; a majority of the board shall Commissioners to constitute a board.

Chairman. form a quorum. At their first meeting after each annual city election, they shall elect one of their number chairman, and whenever the chairman shall be absent from a meeting of the board, they may appoint a chairman pro tempore; they shall also elect a clerk who shall hold his office during the pleasure of the board; the said commissioners shall receive no compensation for their services.

Clerk.

Duty of clerk. § 7. The clerk of said board shall keep a record of the proceedings thereof, which record, or a transcript therefrom, certified by the chairman and clerk, shall be received in all courts as prima facie evidence of the facts therein set forth; and such records and all the books, papers and accounts of the said board, shall at all times be subject to the inspection of the common council, and of any committee thereof.

Money to be raised by tax. § 8. The common council of the said city shall have the power, and it shall be their duty, to raise from time to time by tax upon the real and personal estates in said city, which shall be liable to taxation for the ordinary city taxes, or for town or county charges, such sums as may be determined and certified by the said board of commissioners, to be necessary or proper for any or all of the following purposes:

Sites of school houses, &c. to be purchased.

1. To purchase, lease or improve sites for school houses;
2. To build, purchase, lease, enlarge, alter, improve and repair school houses and their out houses and appurtenances;
3. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages;
4. To procure fuel and defray the contingent expenses of the common schools, and the expenses of the district library of said city;

which shall be in addition to the amount of school moneys now or hereafter appropriated or provided by law for common schools in said city; provided, nevertheless, that such tax shall not be laid oftener than once in each year, and that the whole amount to be raised, shall not in any one year exceed the sum of three thousand dollars.

School tax to be added to other taxes of city. § 9. The common council shall cause the amount of the tax at any time ordered to be raised in pursuance of the last section, to be added to the amount which they are otherwise authorized by law to raise by tax in said city, and they shall cause the same with the collectors' fees thereon, to be assessed, levied and collected at the same time by the same warrant, and in the same manner with the taxes raised for city expenses, under and by virtue of the forty-fourth section of the act to incorporate said city.

Money to be paid to city treasurer. § 10. All moneys to be raised pursuant to the provisions of this act, and all school moneys by law appropriated to or provided for said city, shall be paid to the treasurer of the said city, who together with the sureties upon his official bond, shall be accountable therefor in the same manner as for other moneys of the said city; the said treasurer shall also be liable to the

same penalties for any official misconduct in relation to the said moneys, as for any similar misconduct in relation to the other moneys of the city.

§ 11. After the passage of this act the treasurer of the said city shall not pay out any moneys in his hands received by the said city, either as school moneys, or collected or received by virtue of any of the provisions of this act, excepting upon an order drawn upon him, and signed by the chairman and clerk of the said board of commissioners, and no such order shall be drawn except by virtue of a resolution of the board. Money how to be drawn.

§ 12. The said board may cause a suit or suits to be prosecuted in the name of the city of Utica, upon the official bond of the treasurer, or of any collector of the said city, for any default, delinquency or official misconduct in relation to the collection, safe keeping or payment of any moneys in this act mentioned. Suits how to be prosecuted.

§ 13. The said board shall have power and it shall be their duty, Board to organize schools.

1. To establish and organize such and so many common schools in said city (including the common and free schools now existing therein) as they shall deem requisite and expedient, and to alter and discontinue the same.

2. To purchase or hire school houses, and rooms and lots or sites for school houses, and to fence and improve them as they deem proper. School houses.

3. Upon such lots or sites, and upon any sites now owned by said city, to build, enlarge, alter, improve and repair school houses, out houses and appurtenances as they may deem advisable. To build or repair houses.

4. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages, and to provide fuel for the schools, and defray their contingent expenses and the expenses of the district library. School apparatus, &c.

5. To have the custody and safe keeping of the school houses, out houses, apparatus, books, furniture and appendages, and to see that the ordinances of the common council in relation thereto be observed. Custody of houses.

6. To contract with and employ all teachers in the common schools and at their pleasure to remove them. Teachers.

7. To pay the wages of such teachers out of the school moneys which shall be appropriated and provided in the said city so far as the same shall be sufficient, and the residue thereof from the tuition fees they shall be authorized to collect or receive as herein provided. Wages of teachers.

8. To fix the rate of tuition fees in said schools at a sum not exceeding two dollars per term, which shall be as near as may be a period of twelve weeks for each scholar, and to designate a person or persons to whom the same may be paid previous to the issuing a warrant for the collection thereof, and to exempt from the payment of the whole or any part of the tuition fees, such Rate of tuition.

persons as they may deem entitled to such exemption, for indigence or any other sufficient cause, and cause a list of the persons so exempted, with the extent of their exemption, to be kept by the clerk of the board.

Contingent expenses.

9. To defray the necessary contingent expenses of the board, including an annual salary to the clerk, which shall not exceed one hundred dollars, provided that the account of such expenses shall first be audited and allowed by the common council.

Rate bills.

10. After the end of each school term to make out a rate bill containing the name of each person liable to pay tuition fees who shall not have paid them (prior to the making out of such rate bill) to the person or persons designated by the board for that purpose, and the amount for which such person is liable, adding thereto a sum not exceeding five cents on each dollar of the sum due, for collector's fees, and to annex to such rate bill a warrant for the collection thereof.

Warrant to collector.

11. To deliver such rate bill, with the warrant annexed, to one of the collectors of taxes of said city, who shall execute the same in like manner and with like effect, with the other warrants for the collection of taxes placed in his hands.

To make rules and regulations.

12. To have in all respects the superintendence, supervision and management of the common schools in said city, and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils and their transfer from one school to another, and generally for the promotion of their good order, prosperity and public utility.

To sell houses, &c.

13. Whenever in the opinion of the board it may be advisable to sell any of the school houses, lots or sites or any of the school property now or hereafter belonging to the city, to report the same to the common council.

To report to common council.

14. To prepare and report to the common council such ordinances and regulations as may be necessary or proper for the protection, safe keeping, care and preservation of school houses, lots, sites and appurtenances, and all the property belonging to the city connected with or appertaining to the schools, and to suggest proper penalties for the violation of such ordinances and regulations; and annually to determine and certify to the said common council the sums in their opinion necessary or proper to be raised under the eighth section of this act, specifying the sums required for each of the several purposes therein mentioned.

To form districts from parts of city and towns.

15. To unite with the commissioners of schools of any adjoining town, and form, regulate and alter any district out of any portion of the said city and such town, whenever they shall deem it necessary and proper to do so, in which case, so far as such district or districts are concerned, and said board shall, during the existence of such districts, have the same powers and duties which the commissioners of schools in towns have.

16. Between the first day of July and the first day of August in each year, to make and transmit to the county clerk a report in writing, bearing date the first day of July in the year of its transmission, and stating,

1. The whole number of districts separately set off within the said city in pursuance of subdivision fifteen of this section; To report to county clerk.

2. An account and description of all the common schools kept in the said city during the preceding year, and the time they have severally been taught; Whole No. of districts. Of schools kept.

3. The number of children taught in the said schools respectively, and the number of children over the age of five and under sixteen years residing in the city on the first day of January of that year; Number of children taught.

4. The whole amount of school moneys received by the treasurer of the said city during the preceding year, distinguishing the amount received from the county treasurer, from the town collector, and from any other and what source; Amount of moneys.

5. The manner in which such moneys have been expended, and whether any and what part remains unexpended, and for what cause; How expended.

6. The amount of money received for tuition fees during the year, and the amount paid for teachers wages, in addition to the public moneys, with such other information as the superintendent of common schools may from time to time require. Tuition fees

§ 14. All persons collecting or receiving tuition fees pursuant to the designation, or the warrant of the said board, shall be liable for all moneys thus collected or received by them in the same manner as collectors are for moneys received by them for taxes, and any collector of the said city, and his sureties, shall be liable upon his official bond, for any default, delinquency, neglect or misconduct in the duties with which he may be charged under or by virtue of this act, in the same manner and with the like effect as for any other official default, delinquency, neglect or misconduct; and such collector shall also be liable to the same penalties for any such official misconduct as for any similar misconduct in relation to any other duties of his office. Liabilities for tuition fees.

§ 15. The warrant annexed to any rate bill pursuant to the provisions of this act, shall be under the hands of the commissioners, or a majority of them, and shall command the collector to collect from every person in such rate bill named, the sum therein set opposite to his name, and in case any person so named shall not pay such sum on demand, to levy the same, of his goods and chattels not exempt from execution, together with his fees, and to make return of such warrant to the treasurer of the said city within thirty days after the delivery thereof. Warrant annexed to rate bill, how signed.

§ 16. Such warrants shall have the like force and effect as warrants issued by the boards of supervisors to the collectors of towns, and the collectors of the said city are authorized to collect the amount due from any person or persons in the said Force and effect of warrants.

city, in the same manner and with the same power that collectors of a school district have for the collection of tax or rate bills issued by the trustees of school districts.

Powers of board to collect tuition fees.

§ 17. The board of commissioners shall possess the same powers which the trustees of school districts have for the collection of tuition fees, which shall not be collected by the warrant issued by them with rate bills, and subject to the same regulations; and they may in like manner as the trustees of school districts, correct and amend errors in making out any rate bill, and refund to any person any sum improperly collected in consequence of such error.

Limitation of expenditures.

§ 18. It shall be the duty of the said board in all their expenditures and contracts to have reference to the amount of moneys which will be subject to their order during the then current year, for the particular expenditures in question.

Board to be trustees of district library.

§ 19. The said board of commissioners shall be trustees of the district library in said city, and all the provisions of the act entitled "An act respecting the School District Libraries," passed April 15, 1839, and of all other laws which now are or may hereafter be passed relating to district school libraries, shall apply to the said commissioners in the same manner as if they were trustees of a school district comprehending the said city; they shall also be vested with the discretion as to the disposition of the moneys appropriated by the fourth section of chapter two hundred and thirty-seven, of the Statutes of eighteen hundred and thirty-eight, which is therein conferred upon the inhabitants of school districts. It shall be their duty to provide a library room and the necessary library furniture, and appoint a librarian, to make all purchases of books for the said library, and from time to time to exchange or cause to be repaired damaged books belonging thereto; they may also sell any books which they deem useless, or of an improper character, and apply the proceeds to the purchase of other books for the said library.

Annual report to common council.

§ 20. It shall be the duty of said board, at least fifteen days before the annual election for city officers in each year, to prepare and report to the common council true and correct statements of the receipts and disbursements of moneys under and in pursuance of the provisions of this act during the preceding year; in which account shall be stated under appropriate heads,

1. The moneys raised by the common council under the eighth section of this act;

2. The school moneys received by the treasurer of the city from the county treasurer and the collector of taxes for town and county charges in said city;

3. The moneys received for tuition fees;

4. All other moneys received by the treasurer subject to the order of the board, specifying the sources;

5. The manner in which such moneys shall have been expended, specifying the amount paid under each head of expenditure ;

And the common council shall, ten days before the said election cause the same to be published with the statement required to be published by the thirty-third section of the act to incorporate the said city.

§ 21. The said board shall be subject to the rules and regulations from time to time made by the superintendent of common schools so far as the same may be applicable to them, and not inconsistent with the provisions of this act. Board subject to superintendent of common schools.

§ 22. The common council of the said city shall have the power and it shall be their duty to pass such ordinances and regulations as the said board of commissioners may report as necessary and proper for the protection, safe keeping, care and preservation of the school houses, lots, sites, and appurtenances, and all the necessary property belonging to or connected with the schools in said city ; and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in the act to incorporate the said city ; and all such penalties shall be collected in the same manner that the penalties for violation of the city ordinances are by law collected ; and when collected shall be paid to the treasurer of the city, and be subject to the order of the board of commissioners, in the same manner as other moneys raised pursuant to the provisions of this act. Powers and duty of common council.

§ 23. Whenever the said board shall report to the common council that it is advisable to sell any of the school houses, lots or sites, or any of the school property now or hereafter belonging to the city, it shall be the duty of the common council to sell the same without unreasonable delay and upon such terms as the said council may deem advisable. The proceeds of all such sales shall be paid to the treasurer of the city, and shall be subject to the order of the said board, to be expended by them in the purchase, leasing, repairs or improvements of other school houses, lots, school furniture, apparatus or appurtenances. School houses, &c. when and how sold.

§ 24. The title of the school houses, sites, lots, furniture, books, apparatus and appurtenances and all other school property herein before in this act mentioned, shall be vested in the city of Utica ; and the same while used for or appropriated for school purposes shall not be liable to be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation or assessment for any purpose whatsoever ; and the said city in its corporate capacity shall be able to take, hold and dispose of any real or personal estate, transferred to it by gift, grant, bequest or devise for the use of the common schools of the said city, whether the same shall be transferred in terms directly to said city by its proper style or by any other desig- Title to school houses &c. vested in the city of Utica.

nation, or to any other designation or to any person or persons or body for the use of the said schools.

Repeal.

§ 25. All former acts and parts of acts in relation to common and free schools in the said city inconsistent with the provisions of this act are hereby repealed.

CHAP. 138.

AN ACT *in relation to elections in the city of New-York.*

Passed April 8, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Common council to pass laws relative of holding polls.

§ 1. The mayor, aldermen and commonalty of the city of New-York, in common council convened, are hereby authorized to pass such ordinances as to them may seem meet for providing the time and place where the polls shall be held in each election district for the charter and general election in the city of New-York, as now established by law, and for any such special election as may hereafter be directed to be held therein, and also for the inspectors in each election district in the several wards of the said city, to meet, add together, compute and return the votes given for each person voted for in the several districts of the said wards in the manner now required by law.

Vacancies how filled.

§ 2. In case of any vacancy in the office of inspector of elections in the city of New-York, the mayor, aldermen and commonalty of the said city, in common council convened, may fill such vacancy by appointing to such office any other citizen of the district in which such vacancy shall happen, who is a qualified voter therein : And in case such vacancy should not be so filled on the day of such election, or on the day preceding the same, the aldermen and assistant of the ward in which such vacancy shall happen, may fill such vacancy in the manner aforesaid.

Construction of act of February 28, 1842.

§ 3. The act entitled "An act for the repeal of the New-York city registry law, passed February 28, 1842, shall not be so construed as to allow any inspector of elections or commissioner of registry to hold office or perform any of the duties thereof, subsequent to the passage of such act.

§ 4. This act shall take effect immediately.

CHAP. 139.

AN ACT to incorporate the Gilboa and Potter's Hollow Turnpike Company.

Passed April 8, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All persons who shall become stockholders pursuant to this act, are hereby constituted a body corporate, by the name of the Gilboa and Potter's Hollow Turnpike Company, for the sole purpose of constructing a turnpike road from the village of Gilboa in the county of Schoharie, on the most convenient or eligible route through the town of Broome and Rensselaerville, to or near the depot of the Canajoharie and Catskill railroad, in the town of Rensselaerville, in the county of Albany; but no part of said railroad shall be laid out or constructed so as pass over that part of the road late the property of the Bristol and Rensselaerville Turnpike Company, which lies between Potter's Hollow and the Susquehannah turnpike. Corporation created.

§ 2. The capital stock of said company shall be fifteen thousand dollars, and be divided into shares of twenty-five dollars each, which shall be deemed personal property, and transferable in such a manner as the said corporation shall by its by-laws direct. Capital stock.

§ 3. Caleb Croswell, Alfred Hand and Henry Tibbitts, are appointed commissioners to receive subscriptions to the capital stock of said corporation. Subscriptions to stock.

§ 4. The said corporation shall make a good and sufficient road, and shall make the arch of said road twenty-two feet in width; and where the steepness of side hills, rocks or other obstacles renders it impracticable or unnecessary, in the opinion of the commissioner, to complete it of that width, it shall be lawful for said company to make it of less width and without a ditch on the lower side, but in no place shall the bed or arch of said road be less than sixteen feet wide. Road how to be made.

§ 5. Whenever said road shall be completed according to law, the said company shall be authorized to erect one full toll gate, or two half toll gates for every nine and a half miles, and no more other gates shall be erected on said road, and receive at the full toll gate the following rates of toll, viz: For every coach, wagon, cart or other wheel carriage drawn by two horses or other beasts, twelve and a half cents; for every additional horse or beast, three cents; for every chaise, sulkey, cart or other wheel carriage drawn by one horse or other beast, six cents; for every additional horse or other beast, two cents; for every sleigh or sled drawn by two horses or other beasts, six cents; for every sleigh or sled drawn by one horse or other beast, three cents; for every horse and rider or horse led, four Rates of toll.

cents; for every score of horses, cattle or mules, when driven in droves, twenty cents; for every score of sheep or swine when driven in droves, twelve and a half cents; and in the same proportion for a greater or less number of horses, cattle or mules, sheep or swine; and at each of the said half toll gates, half of the above rates of toll. Provided that no toll gate shall be erected on said road within three miles of Potter's Hollow.

General powers.

§ 6. The said corporation shall possess all the general powers and privileges, and be subject to the general liabilities and restrictions of turnpike road incorporations, as prescribed in the first Title of the eighteenth Chapter of the first Part of the Revised Statutes, except so far as the same shall be altered by this act.

Real and personal estate.

§ 7. The said corporation may purchase, hold, enjoy and convey such real and personal estate, not exceeding three thousand dollars in value, as shall be necessary to fulfil the ends of this incorporation.

§ 8. The legislature may at any time alter or repeal this act.

CHAP. 140.

AN ACT to confirm the official acts of John L. Melvin, a justice of the peace.

Passed April 8, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Official acts confirmed.

§ 1. All the proceedings which have been had by and before John L. Melvin, a justice of the peace of the town of Sherburne, in the county of Chenango, since the first day of January, one thousand eight hundred and forty-two, shall be held to be of the same force and validity as if the said John L. Melvin had taken the oath of office within the time and in the manner prescribed by law and the constitution of this state.

Liabilities and forfeitures remitted.

§ 2. All liabilities and forfeitures incurred by the said John L. Melvin, for having executed any of the duties of the said office of justice of the peace without having taken the oath of office within the time prescribed by law, are hereby remitted.

Saving clause.

§ 3. This act shall not affect the rights of any party to any suit or legal proceedings, which may have been had or commenced, in consequence of the invalidity of any proceedings before the said justice previous to its passage.

§ 4. This act shall take effect immediately.

CHAP. 141.

AN ACT to amend the act entitled "An act to renew and amend the act to incorporate the Hudson and Delaware Railroad Company," passed April 21, 1835.

Passed April 8, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The Hudson and Delaware Railroad Company, may construct their railroad through the county of Orange in such direction as the directors of the said company hereafter elected shall direct, to any point on the line between said county and the state of New-Jersey, without running the same to the Delaware river; and they are also, hereby authorized to construct any branch or branches of their said railroad to any other point or points in the said county, the directors of the said company shall direct and connect the same with any other railroad constructed in or passing through said county on such terms as may be mutually agreed on between the said company and such other railroad company. Road how to be located.

§ 2. The time for finishing said railroad is hereby extended for four years from and after the time fixed by the act hereby amended. Time extended.

§ 3. The legislature may at any time alter, modify or repeal this act.

CHAP. 142.

AN ACT in relation to the Regents of the University.

Passed April 8, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. In addition to the number of the Regents of the University of the state of New-York now prescribed by law, the Secretary of the State of this state, for the time being, shall be a regent by virtue of his office. Secretary of State ex officio a regent.

§ 2. The third section of the first Article of Title I, of Chapter XV, of the first Part of the Revised Statutes is hereby so amended as to read as follows: Amendment

"§ 3. The regents are twenty-two in number, including the Governor, Lieutenant-Governor and Secretary of State, who are members of the board by virtue of their offices." Twenty-two regents.

§ 3. This act shall take effect immediately.

CHAP. 143.

AN ACT to incorporate the Barker and Chenango Bridge Company.

Passed April 8, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation created. § 1. All persons who shall become stockholders of the corporation created by virtue of this act, are hereby constituted a body corporate, by the name of the "Barker and Chenango Bridge Company," for the purpose of building a toll bridge across the Chenango river at Chenango forks in the county of Broome.

Capital stock subscriptions. § 2. The capital stock of the said corporation shall be two thousand five hundred dollars, to be divided into two hundred shares of twelve dollars and fifty cents each, which shall be deemed personal property, and shall be transferrable in such manner as the corporation shall, in its by-laws direct; and John B. Rogers, Robert O. Edwards and George Port are hereby appointed commissioners to receive subscriptions at such time and place in the village of Chenango Forks as they or a majority of them shall designate, on public notice thereof given.

Id. § 3. If the whole of the capital stock shall not be taken at the time appointed for opening the book of subscription, the said commissioners may receive further subscriptions, at such other time as they may appoint, until the whole capital stock shall be taken up; and the persons subscribing for the stock shall pay the said commissioners at the time of subscribing, one dollar on each share by them respectively subscribed.

Election of directors. § 4. The stockholders shall meet at such time and place as the said commissioners may designate, for the purpose of choosing five directors for said corporation; such election shall be by ballot, and by a plurality of votes of the stockholders and their proxies then present, one vote to each share of stock.

Moneys to be paid to directors. § 5. The said commissioners shall pay over to the directors all moneys that may have been received by them, except the sum of one dollar per day each, for every day they may have been actually employed in the business of said corporation, together with the amount they may have paid out for the benefit of said corporation.

Calls on stockholders. § 6. The directors shall have power to require the stockholders respectively to make payment of all sums of money by them subscribed at such times and in such proportions as said directors shall see fit, under pain of forfeiture of the shares upon which such payments are required, and all previous payments thereon, to the corporation.

Rates of toll. § 7. As soon as the said bridge may be completed, and a certificate from any two of the judges of Broome county shall be

filed in the office of the clerk of said county, setting forth that said bridge is well and sufficiently constructed for the safe passage for loaded wagons, and other carriages, the directors may erect a gate at either end of said bridge, and demand and receive the following rates of toll from all persons passing over said bridge: For every wagon or other carriage drawn by one horse or other animal, nine cents; for every additional horse or other animal, three cents; for every sleigh or sled drawn by one horse or other animal, six cents; and for every additional horse or other animal, three cents; for every horse and rider, four cents; for ever score of horses or cattle, twenty cents, and in that proportion for a greater or less number; for every score of sheep or swine, ten cents; for every foot passenger two cents.

§ 8. The said corporation shall cause to be affixed, in a conspicuous place at the end of said bridge, near the toll gate, a list of the rates of toll that may be lawfully demanded, and if any person shall forcibly pass the gate, without having paid the legal toll, such person shall forfeit and pay to the said corporation two dollars with cost of suit; and if any toll gatherer shall unreasonably delay or hinder any passenger, or traveller, at the gate, or shall demand or receive more than the legal toll, such toll gatherer shall forfeit, for every such offence, the sum of five dollars to be recovered with costs to the use of the person so unreasonably delayed, hindered or defrauded.

§ 9. The bridge shall be built in such manner as not to injure or impede the passage of rafts, boats, or other craft, navigating said river; and if the bridge shall not be completed within three years from the passage of this act, or after the same shall have been completed shall become impassable for the term of fifteen days, for the want of repairs, unless carried away by unavoidable accident, or taken down for the purpose of being rebuilt, or if the same shall not be rebuilt, within eighteen months, then, and in either event, the corporation shall be dissolved, and the said bridge shall become a public bridge and may be maintained at the expense of the county of Broome.

§ 10. If said bridge shall become impassable at any time, it shall be the duty of the said corporation, to keep and maintain a good and sufficient ferry boat, for the passage of said stream, and shall be entitled to receive the same rates of ferriage as is above provided for tolls for crossing said bridge.

§ 11. The corporation hereby created shall possess the powers, and be subject to the provisions of the eighteenth Chapter of the first Part of the Revised Statutes, so far as the same are applicable and have not been repealed.

§ 12. The corporation hereby created shall continue thirty years, and upon its dissolution, the said bridge shall be left without waste or damage and become the property of the public, and be and remain a free bridge.

Right to
repeal.

§ 13. The legislature may at any time alter or repeal this act.

§ 14. This act shall take effect immediately.

CHAP. 144.

AN ACT to confirm certain proceedings of the trustees of school district No. 3, of the village and town of Watertown.

Passed April 8, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Proceedings
confirmed.

§ 1. All the proceedings of Alexander Comins, Leonard F. Wheelock, and Forrester B. Fisher, and their predecessors in office, as trustees of school district No. 3, in the village and town of Watertown, in the county of Jefferson, in levying a tax on said district, and issuing a warrant for the collection thereof, for the purpose of paying a judgment obtained on the eleventh day of November, one thousand eight hundred and forty-one, in favor of Alanson P. Segourney, against George W. Lawrence, Calvin Wright, and Alexander Comins, then trustees of said school district, and the costs and expenses incurred in defending the suit on which said judgment was obtained, are hereby confirmed.

Saving
clause.

§ 2. This act shall not affect any suit or legal proceeding which may have been had or commenced in consequence of the invalidity of such proceedings previous to the passage of this act.

§ 3. This act shall take effect immediately.

CHAP. 145.

AN ACT to repeal in part "An act to appoint commissioners to lay out a road from Benedict's Mills, in the town of Maryland, to the Erie canal," passed April 18, 1838.

Passed April 8, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Repeal.

§ 1. The act entitled "An act to appoint commissioners to lay out a road from Benedict's Mills, in the town of Maryland, to the Erie canal," passed April 18, 1838, so far as the same relates to that part of said road which extends from a point on the Cherry Valley creek road, about five rods north of the house

of David D. Marks, in the town of Cherry Valley, to a point in the old road a little north of the house of Martin Dickinson, on said town of Cherry Valley, is hereby repealed: Provide as to bridge. Provided the commissioners of highways of said town of Cherry Valley shall, within eighteen months from the passage of this act, erect and build a good and substantial bridge across the Pleasant creek, on or near the site of the old bridge, near the house of Abraham Brown, and also lay out the sum of three hundred dollars in grading and improving the old road, between the points above mentioned.

§ 2. The commissioners of highways of the town of Cherry Valley are hereby authorized and required to cause the old road, between the points in the preceding section mentioned, to be opened four rods in width, and to vary the line thereof, whenever they may deem it necessary in order to straighten the same, or lessen the grade of the hills. Duty of commissioners of highways of Cherry Valley.

CHAP. 146.

AN ACT to amend the act entitled "*An act to incorporate the Richmond Granite Company,*" passed May 7, 1841.

Passed April 8, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. That in case the directors named in the act to incorporate the Richmond Granite Company, or the directors for the time being of said company, shall not be able to agree with the owners as to the value of the granite or stone quarry proposed and intended to be wrought by said company, and of such real estate as by the ninth section of said act of incorporation, and the Revised Statutes, and which said company may be authorized to hold, the said directors may, with the consent of the owners of such real estate, apply to one of the judges of the court of common pleas of the county of Richmond, not interested in the said company, nor in such granite or stone quarry or real estate, for the appointment of three disinterested appraisers to estimate the value of the same, and the amount at which it may be put in as stock in said company; and in case the said directors of said company, and the said owners of such granite or stone quarry and real estate shall agree upon such appraisers, the said judge shall, by an instrument in writing, signed by him, appoint the persons so agreed upon as appraisers; and in case the said parties disagree, each party shall be entitled to name one, and the said judge shall appoint the persons so nominated, if they are free from all exceptions, and Value how to be estimated.

such other person as said judge shall designate, to be the appraisers.

Appraisal
ment how to
be made.

§ 2. The said appraisers, or any two of them, as soon as may be convenient after their appointment, shall proceed to make an appraisal and valuation of such granite or stone quarry and real estate, or such parts or portions thereof, as may then be required, and shall make a report or certificate of such estimate and appraisal, under their hands and seals, or the hands and seals of any two of them, which shall be acknowledged by the appraisers, signing it before one of the judges of the county of Richmond, and so acknowledged, shall be filed in the clerk's office of said county within thirty days after it shall have been made, to be by such clerk recorded in a book for recording deeds, at the expense of the said corporation.

Right of ap-
peal.

§ 3. The said estimate and appraisal being so made, and the report or certificate thereof filed as aforesaid, either party dissatisfied therewith may, within ten days thereafter, appeal therefrom to the then next court of common pleas of said Richmond county; and said court of common pleas shall have full power to hear and decide in the premises, the party appealing giving at least fourteen days' previous notice of such hearing to the opposite party; and in case no appeal shall be taken within ten days from the time said report or certificate shall be filed as aforesaid, it shall be deemed satisfactory and conclusive as to the value and amount at which such granite or stone quarry and real estate shall and may be taken and held by said company; and a certified copy of said report or certificate, or of the record thereof, under the hand and official seal of the clerk of said county of Richmond, shall be legal and sufficient evidence of the same.

§ 4. This act shall take effect immediately.

CHAP. 147.

AN ACT to amend an act entitled "*An act to incorporate the village of Fort-Plain,*" passed April 25th, 1842.

Passed April 8, 1842, by a two third vote.

The People of the State of New-York represented in Senate and Assembly, do enact as follows :

Boundaries
of the vil-
lage.

§ 1. The corporate limits of Fort-Plain village are hereby enlarged, beginning at the northerly corner of the present chartered limits at the Mohawk river, on the northerly end of lot number four, thence up along said river as it winds and turns along lot number three, also along lot number two in said Bleecker's patent, until it strikes the little stream emptying into said river near Jacob Abeel, Jr. thence westerly up along said

stream as it winds and turns, and partly along the line of said Jacob and David Lipe, until where it strikes the head line of the homestead lots which is the easterly line of lot number sixteen in said patent; thence southerly nearly at right angles along said line, and also along the easterly line of lot number twenty in said patent, until where it strikes the old number seven road (formerly so called) leading to Frey's bush; thence easterly along said road as it winds and turns, until where it crosses a small stream at the Erie canal; and thence down along said stream, dividing lands of Joseph Wagner, Jr. and Gulian Ver Plank, until to said river; and from thence up along said river, as it winds and turns, to the Otsquago creek, being the easterly corner of the present chartered limits of said village, and shall include the bridge and toll-house of the Fort-Plain Bridge Company, on either side of said river.

§ 2. The annual election of officers for said village shall, Election. after this year, be held on the last Tuesday in March in each year.

§ 3. Each of the officers hereafter to be elected or appointed, Oath of office to be taken. by virtue of the act incorporating said village, or by virtue of this act amending the same, before he enters upon the duties of his office, and within ten days after his election or appointment, shall take and subscribe the official oath prescribed by the constitution, which oath may be administered by any justice of the peace, or judge of the county of Montgomery.

§ 4. The fire engine companies in said village may be in- Firemen. creased in number, so as not to exceed thirty firemen to each efficient engine owned by said corporation.

§ 5. The board of trustees annually shall have the exclusive Groceries, &c. power and authority to grant permits to such, and so many persons as they shall think proper, to keep groceries, ordinaries, and victualling houses, and to determine the sum which each person so licensed shall pay for the same, not less than three nor more than fifty dollars, which sum, together with the fifty cents as a fee to the clerk of said village for making out said permits shall be paid to the said trustees for the use of the corporation before any person requiring a permit shall be entitled to receive the same.

§ 6. No tavern license shall be granted by the commission- Taverns. ers of excise within the limits of said corporation, except by consent of the board of trustees of said village; but the trustees shall charge no license fee for such consent; and the said trustees are hereby authorized to prosecute as well all offenders against the excise laws within their corporation limits as all other offenders against the ordinances of said village prohibiting the sale of ardent spirits and the keeping of petty groceries, victualling houses and ordinaries without permits.

§ 7. The trustees of said village shall have power to make Police regulations. and publish police regulations and ordinances, to regulate the keeping, carting, conveying and transporting of gun powder, or

other combustible or dangerous materials, and the use of lights or candles in livery or other stables; to stop any person riding or driving immoderately through or in any street of said village; to regulate slaughter houses & to prevent burials within places deemed dangerous to public health; and to prevent the spread of contagious and dangerous diseases; to erect or purchase and keep hay scales, and to regulate the same and the price for weighing; to let out the same for the benefit of said village; to erect, build or purchase a market building, and to regulate and improve the same for the benefit of said village; to appoint an admeasurer of firewood, timber and lumber, a street commissioner, a fire warden and a sexton in said village, who may be removed at pleasure by them, & shall in their by-laws, from time to time, define and prescribe their duties, powers and compensation, to which they shall conform, under such penalty as shall from time to time be prescribed by their by-laws, to remove or cause to be removed, any erection, or building, or encroachment, standing or being wholly, or in part, in and upon any sidewalk, street, alley or highway within said village, if the owner or occupant of such erection, building or encroachment shall not remove the same, upon due and reasonable notice so to do, which notice shall be served at least three months before the party shall be compelled to remove the same, then it shall be lawful for, and the duty of the trustees of the village to remove or cause to be removed, every such erection, building or encroachment from, out of, and off every such street, alley, sidewalk or highway in said village, and to sue for and recover in their corporate name in any court of competent jurisdiction, from the owner or occupant of every such erection, building or encroachment, or from the person who put, or keeps the same there, damages for all the expenses and trouble incurred therein; and in every such action it shall be sufficient for the trustees aforesaid to declare in debt generally, that defendant is indebted to them for money paid, laid out and expended to the use of the defendant, and give the special manner of indebtedness in evidence; and to make all such regulations, by-laws and ordinances relative to the powers above granted, and generally for the good government and order of said village, not inconsistent with the laws of this state; and from time to time alter and repeal the same, as they may deem expedient, and to enforce the observance thereof, by imposing penalties on any citizen or inhabitant thereof, or any other person or persons for the violation of any by-laws of the board of trustees, not exceeding twenty dollars for any one offence, recoverable with costs in action of debt by, and in the same manner, and for the use of the trustees of said village before any justice of the peace, in the same or adjoining town, all fees and expenses of prosecuting and punishing offenders under the said by-laws shall be paid by said trustees out of the treasury of said village,

and the same shall be audited and allowed as a charge against said village.

§ 8. The said trustees, in laying out, making and opening streets, roads, alleys, or highways in said village, may remove buildings, on the application or consent in writing, of a majority of the persons liable to be assessed therefor, provided that upon the apportionment by the trustees of benefits to be derived by persons to be specially benefited by such improvement, and the appraisal of damages to be incurred in removing such building, the latter do not exceed the former the sum of four hundred dollars, which balance may then be assessed upon all the taxable inhabitants of said corporation; *Provided further*, that the consent in writing of two-thirds of the taxable inhabitants of said village be obtained to the assessment of any such balance not exceeding four hundred dollars; all power and right of appeal granted in section seventeen of the act incorporating the village of Fort-Plain, is extended to this section.

Streets and roads.

§ 9. All the power, authority, immunities, privileges, restrictions, &c. granted in the present charter of said village, be and are hereby extended to that portion of Canajoharie, and its inhabitants which is, by this amendatory act, annexed to said corporation.

This act extending to part of Canajoharie.

§ 10. That the towns of Canajoharie and Minden shall maintain and keep in repair the public bridges across the Otsquago creek as formerly, notwithstanding the extension of the charter aforesaid.

Bridges on Otsquago creek how repaired.

CHAP. 148.

AN ACT in relation to convict labor in the State Prisons.

Passed April 9, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall be the duty of the court in which any person shall be convicted of an offence punishable in a state prison, before passing sentence, to ascertain by the examination of such convict on oath, or by satisfactory evidence, if practicable, whether such convict had learned and practised any mechanical trade; and the clerk of such court shall enter the fact so ascertained upon the minutes of the court, and deliver a certificate thereof to the sheriff of the county, who shall cause the same to be delivered to the keeper of the proper prison at the same time that such convict is delivered to him pursuant to the sentence of such court.

Courts to ascertain if persons convicted have learned mechanical trades.

Convicts sent to state prisons to work at trades learned by them.

§ 2. No convict who shall hereafter be sentenced to imprisonment in either of the state prisons of this state shall, in such prison, be permitted to work, except as is hereinafter provided, at any other mechanical trade than that which, as shall appear by the certificate of the clerk of the court in which he was convicted, such convict had learned and practised previous to his conviction; or in the making or manufacture of articles for which the chief supply for the consumption of the country is imported from without the United States.

Contracts for convict labor, how to be made.

§ 3. No contract for the services of any number of prison convicts, for a longer period than six months, shall hereafter be made by the agent of either of the prisons, without the consent and direction of the inspectors at a regular or special meeting of the board of inspectors, and an entry whereof shall be made in the minutes of their proceedings. At least two months' notice of the time and place of letting every contract for the labor of convicts, by direction of the inspectors, shall be given in the state paper and in one newspaper printed in each city in this state, which notice shall specify the particular branch of business in which the convicts are to be employed, the length of time for which their services are to be let, not exceeding five years, and the number of convicts to which the contracts are to be limited: and in all those branches of business of which the consumption of the country is chiefly supplied without foreign importation, the number of convicts to be employed or let shall be limited by the number who had learned the trade specified in the proposed contracts.

Labor on existing contracts.

§ 4. Nothing in this act contained shall prevent the employment of convicts at any mechanical business in the said prisons so far as may be necessary to fulfil the obligations of the state in such existing contracts as have been lawfully made for convict labor.

Contracts to be submitted to Attorney-General.

§ 5. The inspectors of each of the prisons of this state shall, on or before the first day of June next, transmit to the Attorney General a copy of every contract for convict labor in their possession, certified by a majority of them to be correct; and shall also, within a reasonable time, communicate to him any information in their power, which he shall require. If, on examination, the Attorney-General shall be of opinion that any of such contracts are in violation of existing laws, he shall certify such opinion, in writing, to the inspectors having charge of the same; and the inspectors shall cause every such contract, which in the opinion of the Attorney-General is illegal, to be annulled or rescinded on the first day of May, one thousand eight hundred and forty-three.

Penalty for acting contrary to law.

§ 6. Any inspector or agent of either of the said prisons who shall knowingly let or hire, or consent to the letting or hiring of the labor or services of a convict contrary to law; and any officer of either prison who shall knowingly and wilfully cause a convict to be employed at work prohibited by law, shall be

deemed guilty of a misdemeanor, and shall, on conviction, be punished by fine in a sum not exceeding one thousand dollars, or by imprisonment in a county jail for a term not exceeding one year, and shall forfeit his office.

§ 7. Whenever complaint shall be made to the Attorney-General, accompanied by satisfactory information, that any of the provisions of this act have been violated by an officer of either of the said prisons, it shall be his duty to cause such offender to be prosecuted; and any indictment for an offence against the provisions of this act may be found or tried in any county in which the offence was committed or any adjoining county.

Officers to be prosecuted for violating this act.

§ 8. The Governor, Secretary of State and Comptroller, shall appoint a commissioner within one month after the passage of this act, whose duty it shall be to ascertain whether mining and smelting operations can be profitably carried on upon any of the lands owned by the state, and if no such place can be found upon the state lands, then to ascertain the most reasonable terms upon which the state can purchase a small tract of mineral land for such purposes properly located. It shall also be the duty of the commissioner to ascertain what would be the probable expense, over and above the surplus earning of all the state prison convicts for two years, to remove to said tract not to exceed five hundred of the prisoners confined in the prisons of this state, and the probable expense of building a prison for their safe keeping and accommodation, and generally the expediency of employing said convicts in such operations of mining and smelting. The commissioner shall receive three dollars per day for time actually employed by him, not exceeding one month, and his necessary travelling expenses.

Commissioner to examine in relation to mining and smelting operations to be appointed.

§ 9. Sections thirty-nine and forty of Chapter three, Title two, Article one, Part four, of the Revised Statutes, and all other laws inconsistent with the provisions of this act, are hereby repealed.

Repeal.

§ 10. This act shall take effect immediately.

CHAP. 149.

AN ACT relating to the Geological Survey of the state.

Passed April 9, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The Governor is hereby authorized to continue, until the first Tuesday in January, one thousand eight hundred and forty-three, such of the various departments of labor connected with the geological survey of this state, as may be necessary

Duty of Governor.

to ensure its ultimate completion and publication according to the plan heretofore contemplated.

Appropriation of \$26,000.

§ 2. The sum of twenty-six thousand dollars is hereby appropriated, to pay any money now due for materials furnished or services rendered under the act passed May 8, 1840, entitled "An act to continue the geological survey of this state," and to defray such expenses as may be incurred under this act.

Copy right to be secured.

§ 3. The Secretary of State is hereby directed to secure a copy right of the geological survey for the benefit of this state.

Gov. and Sec. may sell books.

§ 4. Whenever two or more volumes of the geological survey shall be published, the Governor and Secretary of State may cause such books to be sold, at such prices as they may deem expedient, and any moneys derived from such sales shall be applied to the same purposes as the appropriation made by the second section of this act.

Copies how to be distributed.

§ 5. The geological survey, as fast as completed (except such volumes as may be sold according to the provisions of section four,) shall be distributed as follows: Two copies to the Governor, two copies to the Lieutenant-Governor, one copy to each surviving ex-Governor, and one copy to each surviving ex-Lieutenant-Governor; one copy to each member of the present legislature, one copy to each of the geologists engaged in said survey, three copies to the state library, one copy to each county clerk's office in this State, one copy to each incorporated college in this state, and the remaining copies shall be deposited in the office of the Secretary of State, to be sold or disposed of in such manner as the legislature may hereafter direct.

Repeal.

§ 6. The concurrent resolution of the senate and assembly, passed May 26, 1841, in relation to the distribution of the said geological survey is hereby repealed.

§ 7. This act shall take effect immediately.

CHAP. 150.

AN ACT to extend to the city and county of New-York the provisions of the general act in relation to common schools.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Commissioners, inspectors and trustees of common schools to be elected.

§ 1. There shall be elected in each of the wards of the city and county of New-York two commissioners, two inspectors and five trustees of common schools, who shall be elected by ballot, at a special election to be held on the first Monday of June in each year, by the persons qualified to vote for charter

officers in the said wards, and to be conducted in the same manner, by the same inspectors, at the same ward districts, and subject to the same laws, rules and regulations, as now govern the charter elections in said city. The commissioners of common schools so elected shall constitute a board of education for the city of New-York; a majority of whom shall constitute a quorum. They shall elect one of their number president of said board, who shall preside at the meetings thereof, which shall be held at least as often as once in three months, and they may appoint a clerk, whose compensation shall be fixed and paid by the supervisors of said city and county. The commissioners so elected in each ward shall be the commissioners of schools thereof, with the like powers and duties of commissioners of common schools in the several towns in this state, except as hereinafter provided. The said inspectors of common schools so elected in the several wards shall have the like powers, and be subject to the same duties with the inspectors of common schools of the several towns of this state, except as hereinafter provided. The trustees of common schools so elected in their respective wards shall be the trustees of the school districts, which may be formed and organized therein, with the like powers and duties as the trustees of school districts in the several towns in this state, except as hereinafter provided.

Board of education.

Powers and duties of inspectors.

Of trustees.

§ 2. All such provisions of the third, fourth, fifth, and sixth articles of Title two, Chapter fifteen, Part first of the Revised Statutes, and of the several acts amending, and in addition to and relating to the same, not inconsistent with the provisions in this act contained, shall be, and the same are, hereby declared applicable to the city and county of New-York.

Provisions of Revised Statutes applicable.

§ 3. For all the purposes of this act, each of the several wards into which the said city and county of New-York now is or may be hereafter divided, shall be considered as a separate town, and liable to all the duties imposed, and entitled to all the powers, privileges, immunities, and advantages granted by the said third, fourth, fifth, and sixth Articles of Title two, Chapter fifteen, Part first of the Revised Statutes, to the several towns in this state, so far as the same are consistent with this act.

Each ward to be considered a town.

§ 4. The forty-fourth section of the act entitled "An act to amend the second Title of the fifteenth Chapter of the first Part of the Revised Statutes, relating to common schools," passed May 26, 1841, is hereby repealed; and all the other sections of the said act, not inconsistent with the provisions of this act, are hereby declared applicable to the city and county of New-York.

Repeal.

§ 5. No compensation shall be allowed to the commissioners, inspectors, or trustees of common schools for any services performed by them, but the commissioners and inspectors shall

Actual and reasonable expenses to be paid.

receive their actual and reasonable expenses while attending to the duties of their office, to be audited and allowed by the supervisors of said city and county.

Clerk to be appointed for each ward.

§ 6. The said commissioners of common schools of each ward are hereby authorized to appoint a clerk, whose compensation shall be settled and paid by the board of supervisors.

Additional schools when and how organized.

§ 7. Whenever the trustees elected in any ward shall certify in writing to the commissioners and inspectors of common schools thereof, that it is necessary to organize one or more schools in said ward, in addition to the schools mentioned in the thirteenth section of this act, it shall be the duty of said commissioners and inspectors to meet together and examine into the facts and circumstances of the case; and if they shall be satisfied of such necessity, they shall certify the same under their hands to the said board of education, and shall then proceed to organize one or more school districts therein, and shall procure a school house and all things necessary to organize a school in such district, the expense of which shall be levied and raised pursuant to the provisions of section nine of this act; and the title to all lands purchased by virtue of this act, with the buildings thereon, shall be vested in the city and county of New-York.

Supervisors to be notified of amount of money apportioned to city.

§ 8. Whenever the clerk of the city and county of New-York shall receive notice from the superintendent of common schools, of the amount of moneys apportioned to the city and county of New-York, for the support and encouragement of common schools therein, he shall immediately lay the same before the supervisors of the city and county aforesaid.

Supervisors to raise money by tax.

§ 9. The said supervisors shall annually raise and collect, by tax upon the inhabitants of said city and county, a sum of money equal to the sum specified in such notice, at the same time and in the same manner as the contingent charges of the said city and county are levied and collected; also a sum of money equal to one-twentieth of one per cent of the value of real and personal property in the said city liable to be assessed therein, to be applied exclusively to the purposes of common schools in said city; and such further sum as may be necessary for the support and benefit of common schools in said city and county, to be raised, levied, and collected in like manner, and which shall be in lieu of all taxes and assessments to the support of common schools for said city and county.

School money where to be deposited and to whose credit.

§ 10. The said supervisors shall, on or before the first day of May in every year, direct that a sum of money equal to the amount last received by the chamberlain of said city and county from the common school fund, be deposited by him, together with the sum so received from the school fund, in one of the incorporated banks in the said city and county, (such bank to be designated by the said supervisors,) to the credit of the commissioners of common schools in each of the said several

wards, in the proportions to which they shall respectively be entitled, and subject only to the drafts of the said commissioners respectively, who shall pay the amount apportioned to the several schools enumerated in the thirteenth section of this act, to the treasurer of the societies or schools entitled thereto, or to some person duly authorized by the trustees of such societies or schools to receive the same.

§ 11. So much of the seventh Article of Title second, Chapter fifteen, Part first of the Revised Statutes, and the several acts amending and in addition to, and relating to the said article as is specially applicable to the city and county of New-York, and all other acts, and all provisions therein, providing for or directing, or concerning the disbursing or appropriation of the funds created for or applicable to common school education in the city and county of New-York, and all and every provision for raising any fund, or for the imposition of any tax therefor, so far as the same are inconsistent with this act, are hereby repealed. *Repealed.*

§ 12. All children between the ages of four and sixteen, residing in said city and county, shall be entitled to attend any of the common schools therein; and the parents, guardians, or other persons having the custody or care of such children, shall not be liable to any tax, assessment, or imposition for the tuition of any such children, other than is herein before provided. *Children entitled to attend schools.*

§ 13. The schools of the Public School Society, the New-York Orphan Asylum school, the Roman Catholic Orphan Asylum school, the schools of the two Half Orphan Asylums, the school of the Mechanics' School Society, the Harlem school, the Yorkville Public school, the Manhattanville Free school, the Hamilton Free school, the Institution for the Blind, the school connected with the alms house of the said city, and the school of the Association for the Benefit of Colored Orphans, shall be subject to the general jurisdiction of the said commissioners of the respective wards in which any of the said schools now are or hereafter may be located, subject to the direction of the board of education, but under the immediate government and management of their respective trustees, managers, and directors, in the same manner and to the same extent as herein provided in respect to the district schools, herein first before mentioned, in said city and county; and so far as relates to the distribution of the common school moneys, each of the said schools shall be district schools of the said city. *Provision respecting schools of Public School Society, &c.*

§ 14. No school above mentioned, or which shall be organized under this act, in which any religious sectarian doctrine or tenet shall be taught, inculcated, or practised, shall receive any portion of the school moneys to be distributed by this act, as hereinafter provided; and it shall be the duty of the trustees, inspectors, and commissioners of schools in each ward, and of *Schools teaching religious sectarian doctrine not to receive school money.*

the deputy superintendent of schools, from time to time, and as frequently as need be, to examine and ascertain, and report to the said board of education, whether any religious sectarian doctrine or tenet shall have been taught, inculcated, or practised in any of the schools in their respective wards; and it shall be the duty of the commissioners of schools in the several wards to transmit to the board of education, all reports made to them by the trustees and inspectors of their respective wards. The board of education, and any number thereof, may at any time visit and examine any school subject to the provisions of this act, and individual commissioners shall report to the board the result of their examinations.

School moneys how to be applied and apportioned by board of education.

§ 15. It shall be the duty of the said board of education to apply, for the use of the several districts, such moneys as shall be raised to erect, purchase, or lease school houses, or to procure the sites therefor; and also, to apportion among the several schools and districts provided for by this act, the school moneys to be paid over to the commissioners of schools in each ward, by virtue of the tenth section of this act, and shall file with the chamberlain of said city and county, on or before the fifteenth day of April, in each year, a copy of such apportionment, and stating the amount thereof to be paid to the commissioners of each ward; which apportionment shall be made among the said several schools and districts, according to the average number of children over four and under sixteen years of age, who shall have actually attended such school the preceding year. But no such school shall be entitled to a portion of such moneys, that has not been kept open at least nine months in the year, or in which any religious sectarian doctrine or tenet shall have been taught, inculcated, or practised, or which shall refuse to permit the visits and examinations provided for by this act.

By the commissioners of the wards.

§ 16. The commissioners of schools of the respective wards, when they have received from the chamberlain of said city and county, the money apportioned to the several schools and districts in their several wards, shall apply the same to the use of the schools and districts in their several wards, according to the apportionment thereof so made by the said board of education.

Commissioners to give bond.

§ 17. The said commissioners of each ward shall, within fifteen days after their election, execute and deliver to the supervisors aforesaid, a bond with which such sureties as said supervisors shall approve, in the penalty of double the amount of public money appropriated to the use of the common schools of their respective wards, conditioned for the faithful performance of the duties of their office, and the proper application of all moneys coming in their hands for common school purposes.

Such bond shall be filed by the said supervisors, in the office of the county clerk.

§ 18. This act shall take effect immediately.

CHAP. 151.

AN ACT to incorporate the Waterloo Academy.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. William V. J. Mercer, Aaron D. Lane, Thomas Fatzinger, Samuel H. Gridley, Edmund Gay, Asa N. Draper, Gardner Wells, Joel W. Bacon, Benjamin Malby, Richard P. Hunt, Peter R. Wirts, Caleb Fairchild, Samuel Clark, Pardon T. Mumford, Daniel S. Kendig, and such others as may be associated with them, are hereby constituted a body corporate, by the name of the Waterloo Academy, to be located in the village of Waterloo, Seneca county, for the purpose of establishing, maintaining and conducting a seminary of learning for the education of both sexes. Corporation created.

§ 2. The capital stock of said corporation shall be divided into shares of ten dollars each. Stock.

§ 3. The estate property and concerns of said corporation shall be managed by a board of fifteen trustees; and the persons named in the first section of this act shall be the first trustees of said corporation, and shall be divided by lot into three classes. The term of service of the first class shall expire on the first Wednesday of February next; that of the second in one year from that time; and the third in two years from that time. A majority of said trustees shall form a quorum to transact business. Trustees.

§ 4. On the first Wednesday of February next, and on the first Wednesday of February of each succeeding year, there shall be an election of five trustees, who shall hold their office for three years, and until others shall be appointed in their place. The election for trustees shall be by ballot. Election.

§ 5. Each stockholder shall be allowed one vote on each and every share subscribed and paid in by him. Votes.

§ 6. The capital stock of said corporation shall be deemed personal estate, and transferable in such manner as the by-laws of said corporation shall provide. Transfers.

§ 7. The said trustees shall receive subscriptions for shares in said corporation. Subscriptions.

§ 8. The said trustees may choose their president, treasurer and secretary. Officers.

Literature
fund.

§ 9. The corporation hereby created shall be entitled to its distributive share of the literature fund, whenever it shall have complied with the rules that govern the regents of the university in granting charters to academies, and the laws in relation to the distribution of that fund.

General
powers.

§ 10. The said corporation shall possess the power; and be subject to the provisions of Chapters fifteenth and eighteenth of the first Part of the Revised Statutes, so far as the same are applicable and shall not have been repealed.

§ 11. This act shall take effect immediately.

CHAP. 152.

AN ACT for the relief of Daniel McDonald, Elijah E. Merrill and Zenas Barnum.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Canal board
to allow fur-
ther com-
pensation.

§ 1. The canal board are hereby authorized to audit and allow to Daniel McDonald, Elijah E. Merrill and Zenas Barnum, such further compensation for constructing locks number thirty-two, thirty-four and thirty-five, on the southern division of the Chenango canal, as will be just and equitable, if upon investigation of the matter, the board shall be of opinion that the said Daniel McDonald, Elijah E. Merrill and Zenas Barnum, are entitled to any further compensation in consequence of having to obtain stone from a quarry more distant from said locks than the one designated by the engineers at the time of the letting the same, or for any extra labor the said McDonald, Merrill and Barnum may have had to perform in opening new quarries.

Money how
to be paid.

§ 2. The sum which shall be allowed under this act, shall be paid by the commissioners of the canal fund, out of any moneys appropriated for the payment of allowances to contractors on the Chenango canal ; and if there be not a sufficient sum for that purpose, then to be paid out of funds provided for the repairs of the Chenango canal.

§ 3. This act shall take effect immediately.

CHAP. 153.

AN ACT concerning the acquisition of burial places by religious corporations in the city of New-York.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Any incorporated religious society within the city of New-York, which having exhibited the account and inventory required by the tenth section of the act entitled "An act to provide for the incorporation of religious societies," has not since purchased or acquired lands or tenements within this state, may hereafter purchase, acquire, and hold land in the city and county of New-York, or in any neighboring county of this state, or any estate or interest in such land, for the purpose of a burial place or cemetery, and may erect thereon a suitable edifice in which to perform the religious services usual on the burial of the dead, and also necessary buildings for the residence and accommodation of grave-diggers and keepers of the grounds: and whilst and so long as such land shall not be appropriated and applied to any other purpose, such corporation shall not, by reason of the purchase or acquisition thereof, become bound or liable again to exhibit an account or inventory of its estates, unless it shall subsequently purchase or acquire other lands or tenements within this state. Societies may acquire land for cemeteries.

§ 2. If any land so to be purchased or acquired by any such religious corporation, shall be subsequently appropriated or applied to any use or purpose other than as is hereby authorized, every such corporation which shall so otherwise appropriate or apply the same, or suffer it to be so otherwise appropriated or applied, shall thenceforth be subject to the provisions of the tenth section of the above mentioned act, in the same manner as if this act had not been passed. Restriction.

§ 3. This act shall take effect immediately.

CHAP. 154.

AN ACT in relation to the sale of real estate to pay assessments.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All sales made on an order of the court of chancery for the payment of assessments, pursuant to any law of this state, Sales by whom and where made

shall be made by or under the direction of one of the masters of said court, in the county where the premises or some part thereof are situated.

Effect of
deeds to pur-
chasers.

§ 2. Deeds shall thereupon be executed by such master, which shall vest in the purchaser the entire estate, as well present as future, of each and every of the parties to such suit or suits.

Feigned is-
sue may be
ordered.

§ 3. In case any person or party in any such suit in the court of chancery, shall question the validity of the assessment or assessments, which are to be paid out of the proceeds of sale, it shall be the duty of the court to order a feigned issue to be tried in the circuit court, to determine the validity thereof; or in some other manner ascertain the same.

CHAP. 155.

AN ACT in relation to Coroners.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Coroners to
deliver mo-
neys, &c. to
county trea-
surers

§ 1. The coroners of the several counties in this state are hereby required to deliver over to the treasurer of their respective counties, all moneys and other valuable things which have been or may hereafter be found with or upon the bodies of persons on whom inquests have been or may hereafter be held, and which shall not have been claimed by the legal representatives of such person or persons, within sixty days after this act becomes a law, in cases of inquests heretofore held; and in cases which may hereafter arise, within sixty days after the holding of any such inquest; and in default thereof, the said treasurers shall be authorised, and are required to institute the necessary proceedings to compel such delivery.

Duty of
county trea-
surers :

§ 2. The several treasurers to whom any such valuable thing shall be delivered, pursuant to the provisions of this act, shall, as soon thereafter as may be, convert the same into money, and place the same to the credit of the county of which he is treasurer; and if demanded within six years thereafter, by the legal representatives of the person on whom the same was found, the said treasurer, after deducting the expenses incurred by the coroner, and all other expenses of the county in relation to the same matter, shall pay the balance thereof to such legal representatives.

Inventory to
be delivered
to super-
visors.

§ 3. Before auditing and allowing the accounts of such coroners, the supervisors of the county shall require from them respectively, a statement in writing containing an inventory of all money and other valuable things found with or upon all persons on whom inquests shall have been held, and the manner in which

same had been disposed of, verified by the oath or affirmation of the coroner making the same, that such statement is in all respects just and true; and that the money and other articles mentioned therein have been delivered to the treasurer of the county, or to the legal representatives of such person or persons.

§ 4. The said coroners shall be entitled to receive a reasonable compensation for making and rendering such statement, and for their trouble and services in the preservation and delivery of said effects and property as herein before provided, and all reasonable expenses incurred by them in relation thereto, to be audited by the board of supervisors, in addition to the fees or compensation to be allowed by them for holding an inquest. Compensation to coroners

§ 5. This act shall take effect immediately.

CHAP. 156.

AN ACT to amend an act entitled "An act to incorporate the Fulton Female Seminary," passed May 25, 1836.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The corporation now known as "The Fulton Female Seminary," in the village of Fulton, in the county of Oswego, shall be hereafter known and designated as "The Fulton Academy." Fulton academy.

§ 2. This act shall take effect immediately.

CHAP. 157.

AN ACT to extend the exemption of household furniture and working tools from distress for rent, and sale under execution.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. In addition to the articles now exempt by law from distress for rent, or levy and sale under execution, there shall be exempted from such distress, and levy and sale, necessary household furniture and working tools and team owned by any person being a householder, or having a family for which he provides, to the value of not exceeding one hundred and fifty

Articles to the amount of \$150 exempted.

dollars ; provided that such exemption shall not extend to any execution issued on a demand for the purchase money of such furniture, or tools, or team, or articles now enumerated by law.

Exemption
for a widow
and minor
children,
1842.

§ 2. When a man having a family, shall die, leaving a widow, or minor child or children, there shall be inventoried by the appraisers, and set apart for the use of such widow, or for the use of such widow and child or children, or for the use of such child or children, in the manner now prescribed by the ninth Section of Title third, Chapter sixth, of Part second of the Revised Statutes, necessary household furniture, provisions or other personal property, in the discretion of said appraisers, to the value of not exceeding one hundred and fifty dollars, in addition to the articles of personal property now exempt from appraisal by said section.

Sale or
pledge void
when made
for intoxicating
liquors.

§ 3. Every assignment, sale or pledge of articles which are now exempt by law from execution, and of property exempted by this act, and every levy or sale of such articles or property by virtue of an execution, by consent of the defendant therein, shall be void, where the consideration, or any part thereof, for which such assignment, sale or pledge was made, or for the debt on which judgment was rendered in any court, and on which such execution was issued, was for the sale of intoxicating liquors ; and in any action commenced for the recovery of the value of the property sold as aforesaid, the person for whose benefit such sale or transfer was made, may be called and examined as a witness, as to the fact of the sale of intoxicating liquors, so made in the same manner, and subject to the same penalties, as if called in any other case.

§ 4. This act shall take effect on the first day of May next.

CHAP. 158.

AN ACT for the relief of William Jerome.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

The sum of
\$1,475.55 to
be paid to
W. Jerome.

§ 1. The Treasurer shall pay on the warrant of the Comptroller, to William Jerome or his authorized agents George Geddes of Onondaga county and Lewis H. Sandford of the city of New-York, or either of them, the sum of fourteen hundred and seventy-five dollars and fifty-five cents, in full of the claim of the said Jerome against the state, for damages, expenses and liabilities, incurred by the said Jerome for taking stone for

the construction of locks on the Oswego canal from the lands of James Lyon, at the Oswego falls.

§ 2. This act shall take effect immediately.

CHAP. 159.

AN ACT appropriating money to pay the expenses of the agent appointed to procure and transcribe documents in Europe relative to the colonial history of this State.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. A sum not exceeding three thousand dollars, is hereby appropriated for defraying the expenses of the agent appointed under the act entitled "An act to appoint an agent to procure and transcribe documents in Europe relative to the Colonial history of this state," passed May 2, 1839, in addition to the sum heretofore appropriated to that purpose. Appropriated.

§ 2. The Treasurer shall pay so much of such sum of three thousand dollars, on the warrant of the Comptroller, as shall be required and as shall be necessary to defray the expenses of such agent. When and how paid.

CHAP. 160.

AN ACT to amend an act entitled "An act to loan money to the county of Chemung," passed March 6, 1837.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The payment of the principal of the sum of money, authorized to be loaned to the county of Chemung, by the act entitled "An act to loan money to the county of Chemung," passed March 6, 1837, is hereby extended five years from the first day of March 1842, and such principal shall be payable in four equal annual instalments, the first of which instalments to be paid on the first day of March 1847, the interest to be paid annually at the rate of six per cent. Time extended.

§ 2. A tax shall be raised to pay the interest and principal of said loan as the same shall become due, according to the provisions of the preceding section, in the same manner Money to be raised by tax

as is prescribed in the second section of the aforesaid act, and all the provisions of that section shall be deemed applicable to, and to form a part of this act.

CHAP. 161.

AN ACT to confirm the official acts of Philip N. Bonesteel, a justice of the peace.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Official acts confirmed.

§ 1. All proceedings which have been had by and before Philip N. Bonesteel, a justice of the peace of the town of Redhook, in the county of Dutchess, between the thirty-first day of December, one thousand eight hundred and thirty-nine and the first day of March, one thousand eight hundred and forty-one, shall be held to be of the same force and validity as if the said Philip N. Bonesteel had taken the oath of office within the time and in the manner prescribed by the laws and constitution of this state.

Liabilities and forfeitures remitted.

§ 2. All the liabilities and forfeitures incurred by the said Philip N. Bonesteel for having executed any of the duties and functions of such office of justice of the peace, without taking the oath of office, are hereby remitted.

Saving clause.

§ 3. This act shall not affect any suit or legal proceedings which may have been had or commenced in consequence of the invalidity of any proceedings before the said justice, previous to its passage.

§ 4. This act shall take effect immediately.

CHAP. 162.

AN ACT for the relief of Simeon Rogers.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Damages to be appraised

§ 1. The canal appraisers are hereby directed to appraise the damages, if any, sustained by Simeon Rogers, to his mills at Chenango Forks, by the construction by the state, of a dam across the Chenango river, above his said mills, and diverting of water therefrom for the use of the Chenango canal, except-

ing such damages as have already been appraised, and taking into consideration the benefits, if any, derived to the said Simeon Rogers, from the construction of said canal.

§ 2. Such appraisal shall be made subject to the provisions of the statutes, in relation to the appraisal of damages for the appropriation of lands, waters or streams, to the use of the people of this state, and the sum that shall be awarded, together with the sum heretofore awarded on account of said damages, if remaining unpaid, shall be paid out of the moneys arising from tolls of said canal.

Appraisal
ment how
made.

CHAP. 163.

AN ACT to incorporate Manlius village.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The territory in the town of Manlius, in the county of the county of Onondaga, comprising part of lots number eighty-six, eighty-seven, ninety-seven and ninety-eight in said town, bounded as follows : beginning on the southwesterly side of Limestone creek, at an angle in the wing wall of the new dam of the Manlius factory, thence south eighty-three degrees twenty minutes west, forty-three chains thirty-four links to a post in the partition fence between John Wilkee and George Church's land ; thence north seven degrees forty-five minutes west, sixty-five chains to a stake in the northwesterly side of the road leading to the high bridge, near a small run ; thence south seventy-seven degrees thirty minutes east, eighty-four chains forty links to a stake ; thence south seventeen degrees fifteen minutes east, four chains eighty links to a bass tree in the north side of the Seneca turnpike easterly of the intersection of Pleasant-street, and the same course continued, in all eighteen chains eighty-five links, to an elm tree in Samuel L. Edwards' land ; thence south fifty-seven degrees thirty minutes west, forty-three chains sixteen links to the place of beginning, shall be known and distinguished by the name of " Manlius village," and the freeholders and inhabitants residing or who may hereafter reside within the limits aforesaid are hereby constituted a body corporate and politic, by the name of " Manlius Village."

Boundaries.

Name.

§ 2. There shall be five trustees of said village and a village constable elected annually by ballot in public meeting by the inhabitants thereof, qualified to vote for town officers, on the Monday preceding the first Tuesday of April in each year ; and in case such meetings are not held on the day provided by this act, they may be held with like effect, on like notice on any

Officers how
elected.

other day; the trustees, village constable, and all officers appointed by the trustees shall be residents of the village. Notice in writing of the time and place of all public village meetings, annual or special, shall be put up in three of the most public places in the village, eight days previous thereto. The first meeting shall be called by a justice of the peace residing in the town of Manlius, who shall preside thereat; the trustees shall call and preside at all subsequent meetings, and shall possess the same powers as inspectors of elections of towns possess and exercise in holding and conducting elections; and a plurality of votes shall constitute a choice.

Notice of
acceptance
to be given.

§ 3. The trustees, constable, and all officers and firemen appointed by the trustees shall give notice of their acceptance within ten days after they have notice of their election or appointment; the trustees and constable first elected, to the justice who presides at the first meeting, which notice shall be filed with the clerk when appointed; and all succeeding trustees, constables and all persons appointed by the trustees to any office or place, to the clerk of the village. Vacancies in the board of trustees or in the office of constable happening in any manner, shall be filled by a special meeting of the village, called for such election by like notice and conducted in like manner as the annual meeting. The village constable shall have the same authority, be charged with the same duties and be subject to the same rules and liabilities as other constables elected in the town of Manlius. The trustees may make new appointments of officers and others appointed by them whenever vacancies occur.

President
and other
officers how
chosen.

§ 4. The trustees shall annually, within fourteen days after their election, choose and appoint one of their number to be president of the board of trustees; and, in the absence or sickness of the president, may designate any other trustee to preside at their meetings, and to perform the other duties of the president. The trustees shall also, within the time aforesaid, appoint a clerk of their board, a collector, treasurer, pound master, and three fire wardens, for said village, who shall hold their offices for one year, unless sooner removed by the trustees. The trustees shall have stated meetings and special meetings on the call of the president, or in his absence of any of the trustees.

Duty of the
President.

§ 5. It shall be the duty of the president to preside at meetings of the trustees; to call, when necessary, special meetings of the trustees; to hear and receive complaints and informations of the breach of this act, or of any of the by-laws or regulations of said village, to see that the same are enforced and faithfully executed; to cause to be prosecuted all offenders against, and violations of the said act or any of the said by-laws and regulations; to keep the seal of the said corporation, and when necessary, to affix the same, with his signature, to any certificate, warrant or contract, or other necessary paper or in-

strument in the transaction of the business of the village ; and at the annual meetings for election to make a report of the state of the funds of the corporation, of the receipts and expenditures of the last year, and his estimate of the probable amount which will be required to be raised by tax for the ensuing year.

§ 6. It shall be the duty of the clerk to attend all meetings of the inhabitants of said village, and of said trustees, to keep and enter in a book to be by him provided and kept for that purpose, the minutes of all such votes, orders, rules, regulations and by-laws, as shall be made at the said meetings of the inhabitants of said village, and of the trustees respectively ; and all the records and entries in said book, shall be taken and deemed prima facie evidence of the facts therein stated, in all courts and places whatever ; the clerk shall also keep and preserve all papers and documents belonging to or appertaining to the concerns of said village, which shall be deposited with him for that purpose, and shall do all things whatsoever that may be required of him by the said board of trustees, as their clerk ; and the said clerk and the fire wardens shall receive for their services, such reasonable compensation out of the village funds as may be determined upon by the said board of trustees ; but the trustees shall not be allowed any compensation for their services.

Duty of the clerk.

§ 7. The treasurer of said village shall receive and keep for the use of the corporation, all funds and moneys belonging to the said corporation ; and it shall be the duty of every other officer of the corporation, and of every other person in whose hands any moneys of the said corporation, or for its use, may come or be, to pay over the same to the said treasurer ; and the said treasurer shall pay out of any moneys in his hands, any and all accounts and demands, when presented duly audited and allowed by the said trustees, upon their order, and all other sums upon their legal requirement, to be signified to him by the order of the president of said village, countersigned by the clerk, and at the expiration of his office, shall pay over to his successor in office, the balance of the village funds in his hands, and deliver all the vouchers and documents pertaining to his office, into the possession of said successor. The said treasurer shall keep in a book to be by him provided for that purpose, an account of all moneys received and disbursed by him, and shall make a report to the president of the village at the expiration of each year, of the state of the village funds, of the amount by him received, and on what account, of the amount paid out and to whom, and on what vouchers ; and shall receive as a compensation for his services one-half of one per cent, for receiving moneys belonging to the corporation, and one-half of one per cent for disbursing the same ; and the said treasurer and the collector of said village, before they enter upon the duties of their office, shall respectively give a bond to the trustees of said village, with one or more sufficient sureties

Duty of the treasurer.

to be approved by the president, conditioned for the faithful performance of the duties of their respective offices, and for the accounting and paying over all moneys of the said corporation that shall come to their hands respectively.

Fire wardens.

§ 8. The fire wardens of said village shall have the custody and general superintendence of the fire engines, hooks, ladders, public cisterns, and other instruments and conveniences for the extinguishment or prevention of fire. It shall be their duty to see that the same are kept in proper order and in convenient places ; to inspect the chimneys, fireplaces, ovens and stoves in said village, and to make report of such as are dangerous ; to remove dangerous combustibles, and all manner of things, and careless deposits, whereby fire is likely to ensue ; and, whenever required by the trustees, to make a general inspection through the village, relative to the matters appertaining to their office, and to see that all proper by-laws relative to the prevention or extinguishment of fires are duly executed ; and to make annual, and oftener if required by the president, report of their proceedings, and the state of their department to the president of said village.

Collector and pound master.

§ 9. The collector and pound master of said village shall have the same powers, duties, privileges, and be subject to the same liabilities as similar officers in the towns of this state, and such other as are provided for in this act. The collector shall be entitled for his services, to five per cent upon all moneys by him collected, and may collect the same, in addition to the sums specified in his warrant.

By-laws.

§ 10. It shall be lawful for the said trustees so as aforesaid to be chosen, to make, ordain and publish such prudential by-laws, rules and regulations, and to repeal and alter the same, as they shall from time to time deem necessary and proper for the benefit of said village, relating to all things that may concern the police and good government of said village, and relative to all the subjects, matters and things by this act made subject to their control, discretion or jurisdiction, but such by-laws shall not continue in force longer than three years.

Police regulations.

§ 11. The trustees shall have power to procure, own, build, erect, and keep in repair, fire engine and engine houses, ladders and fire hooks, and other instruments and conveniences for extinguishing fires, and preventing injuries by fires ; to improve the highways, streets, alleys, and sidewalks in said village, and to remove and prevent encroachments thereon ; to prevent racing and immoderate riding and driving in the streets, and to prevent travel with horses and teams on the sidewalks ; to restrain swine, horses, sheep and cattle from running at large in said streets ; to regulate slaughter houses and nuisances generally ; to remove, destroy, or prevent nuisances ; to prevent the discharge of firearms of all kinds, and the using of fireworks of every description in said village ; to establish and maintain a common pound in said village ; to erect and keep in repair hay



scales and markets in said village, and regulate the same ; to prevent the dangerous construction and condition of fireplaces, chimneys, ovens, stoves, and stove pipes ; to prevent unsafe deposits of ashes ; to compel the keeping of fire buckets by the citizens of said village, and to establish measures of prudence to guard against fire ; to compel the inhabitants to form lines and ranks for the purpose of carrying water to extinguish fires ; to appoint one or more inspectors of wood in said village ; to regulate the mode of measuring and inspecting wood, and the fees and manner of payments for the same ; to appoint by writing under the seal of the corporation, a proper number of firemen, not exceeding twenty-five, and one hook and ladder company not exceeding ten to each engine, and to remove any of them, and to appoint another in his stead ; to appoint a captain for said firemen, and other officers, and to make rules and regulations for the good government of the fire company and hook and ladder company, with reasonable fines for the breach of them ; to regulate the time and manner of their exercise ; said firemen to be exempt from serving in the militia, except in case of war, invasion or insurrection, and upon juries in courts of record.

§ 12. The inhabitants of said village, qualified to vote for town officers, and who shall, as a further qualification, either be liable to be taxed in the county tax, or having paid a highway tax during his then residence in the village, or have been a householder in the village for the last preceding twelve months, may, at the annual meetings or at a special meeting, notified for the express purpose, vote to raise by tax, for any village purpose or improvement, other than for laying out or altering of streets or alleys, or making of sidewalks, sums not exceeding four hundred dollars in any one year, to be appropriated by the trustees in the execution of their powers and duties herein granted and imposed. The trustees shall assess the sum so voted as soon as may be, upon the real and personal property of the taxable inhabitants of said village, as nearly as possible, according to the last corrected assessment roll of the town of Manlius. In making the assessment, they shall proceed in the manner, give the same notice, and have the same power to make corrections as assessors in towns. When the assessment is completed, they shall file one copy of the assessment roll in the office of the clerk of the village, with a certificate that it is the assessment made to raise the tax voted at the last preceding annual or special meeting, and shall deliver another copy to the treasurer ; they shall deliver a third copy to the collector with a warrant under their hand and the corporate seal directing him to collect the tax within such a time as they shall specify, and pay it to the treasurer. The trustees may extend the time for the collection and payment, from time to time if necessary. All taxes, and all assessment for highway work, and all fines for the non-performance of highway work, and all

Money to
be raised by
tax.



local assessments for sidewalks, remaining unpaid after the return day of the first warrant issued for collecting, the same shall draw interest at the rate of twelve per cent per annum, to be collected in addition thereto.

Roads and
highways.

§ 13. Manlius village shall be a road district, and shall be exempt from the superintendence of the commissioners of highways of the town of Manlius; and the trustees of said village shall be exclusive commissioners of highways in and for said village, and shall have the same powers, and be charged with the same duties over the roads in said village as commissioners of highways in towns have or possess; and may, moreover, lay out or alter any streets or alleys, making them less than three rods wide; and whenever the said trustees shall lay out, establish, alter or discontinue any street or road within said village, the record and proceedings in consequence thereof, and all the proceedings of said trustees as commissioners of highways, necessary to be made and filed, shall be made and filed in the office of the village clerk instead of the town clerk. The said trustees may divide the said village into road districts, and shall appoint one overseer of highways in each, who shall hold his office during their pleasure; and all such overseers shall have the same powers, be charged with the same duties, and subject to the same liabilities as overseers in towns. The said trustees may cause such portion of work to be laid out in such manner and in such places on the highways in the town of Manlius leading into said village, as they may think proper.

Sidewalks.

§ 14. It shall be the duty of owners or occupants of lots on the streets in Manlius Village to grade, flag, construct and keep in repair the sidewalks opposite their respective lots, at their own expense, and the charge of their landlord, at such time and in such manner, and of, or with such materials, and in all respects as regards the safety, comfort, security and permanence of said sidewalks, as the trustees of said village may, by their by-laws, from time to time direct; and if any such owner or occupant shall refuse, neglect or delay to construct or repair the sidewalk opposite the lot or lots as aforesaid, when so directed to do by the said trustees as aforesaid, then it shall be lawful for the trustees, in every such case, to grade, flag, construct, alter or repair such sidewalks, for and on account of said owner or occupant; and said owner or occupant shall be liable to pay the expense of such repair or alteration as aforesaid; and the sum or sums so expended by the said trustees as aforesaid referred to, after the said trustees or a majority of them shall have audited and sanctioned the same by a vote of the board, shall, from thenceforth be, to all intents and purposes, a local assessment upon the owner or owners, occupant or occupants aforesaid, as by the vote of the said board shall be determined; and thereupon it shall be lawful for the said trustees or a majority of them to issue a warrant under the seal of the said corporation, directing the collector of the village to col

lect the same, together with the costs of collecting, and pay it to the village treasurer within thirty days.

§ 15. All taxes and all assessments for highway work, and all fines for the non-performance thereof, and local assessments for constructing, repairing, or altering sidewalks, shall be a lien and bind the real estate so assessed or taxed; and if the same or any part thereof, can not be collected by due course of law, by distress and sale of the goods and chattels of the person or persons liable to pay the same, but remain due and unpaid, and are so returned by the proper officer to whom the warrants were committed for collection; and in cases where the person liable to pay is a non-resident, and is delinquent as aforesaid, then and in every such case, where the said taxes, fines and local assessments, together with the interest accrued thereon, shall amount to three dollars chargeable, and a lien upon any one parcel of real estate, the said trustees may make a list of such arrearages, if more than one, and may issue a special warrant for collecting the same, (in addition to the usual authority to collect of the goods and chattels of the person liable to pay the same,) out of the real estate on which any such taxes or dues shall have become and remain a lien, by selling the same or so much thereof as may be necessary to pay such taxes or dues, and the costs, for the shortest time that may be necessary for collecting the said money due and the costs, and no longer: and provided, moreover, that it shall be the duty of the said collector to advertise all real estate to be sold under, and by virtue of the warrant aforesaid, for the same time and in the same manner that lands are directed to be advertised in sales thereof by executions in courts of law; and that in addition thereto, it shall be the duty of said collector to send one of the newspapers in which said advertisement shall be published, with a note or memorandum referring to said advertisement, directed to the said delinquent non-resident, at his place of residence, if the same shall be known by said collector, at least four weeks before the day of such sale. The deed of the said trustees, under their corporate seal, signed by the clerk of said village, shall be sufficient to vest in the purchaser or purchasers, in pursuance of and under and by virtue of said sale or sales, the estate in the premises so sold, as aforesaid, for the time for which said purchaser or purchasers shall have purchased the same: *Provided, nevertheless*, that the non-resident owner of any lot or part of lot so sold, shall have the right, for the space of one year from and after the sale thereof, to redeem the same, on paying to the purchaser the amount paid by him for the same, and fourteen per cent interest thereon; and further, all affidavits regularly taken before any justice of the peace, containing the proof of the notice of sale herein required, or the proof of the notice of sale having been sent to the non-resident, and the proof of the name of the purchaser at any such sale, and the time for which he purchased said premises therein

Taxes as assessed to be a lien on real estate.

May be sold.

Proviso.

described, shall, when filed with the clerk of said village, be prima facie evidence of the facts therein contained; and it is hereby further provided, that nothing in this act shall be held to affect the rights of landlord and tenant, as between themselves, in any way whatever.

Cattle may
be impound-
ed.

§ 16. Cattle and beasts of all kinds belonging to an inhabitant of the village may be impounded, if found running at large contrary to a by-law of the village, and sold, if the owner shall refuse to pay the fees of the pound master, after personal notice of the impounding and the amount of fees. In addition to personal notice to the owner, the pound master shall put up notice in writing for six days, of the time and place of sale, at the pound, and in three other public places, describing the animals to be sold and giving the name of the owner. The fees may be paid and a sale prevented at any time before the day of sale. In case of sale the pound master shall pay the overplus, after deducting his fees and charges to the treasurer, for the benefit of the owner if claimed within three months, if not, for the benefit of the village. Cattle and beasts belonging to non-residents of the village if known, and to unknown owners, shall be treated as strays, and moreover, the same notice shall be given to the village clerk, and the same record made, and the same record made, and the same powers and duties devolved in respect to strays, on the village clerk as on the town clerk. All penalties to prevent cattle and beasts from running at large in said village shall be enforced and collected by suit, and not by impounding and sale.

Penalties.

§ 17. The trustees may prescribe a penalty not exceeding twenty-five dollars for the violation of any by-law, rule or regulation which they are authorized to make, and sue for and recover such penalty in their corporate name before any justice of the peace, in an action of debt. No inhabitant of said village shall for that cause be disqualified as justice, juror or witness on the trial of any suit brought by virtue of this act. In all such suits the pleadings may be general, and either party may give this act or any proper special matter in evidence. All penalties shall be paid to the treasurer for the benefit of the village. The trustees may remit penalties, in whole or in part.

Right to
repeal.

§ 18. The legislature may at any time alter, modify or repeal this act.

§ 19. This act shall take effect immediately.

CHAP. 164.

AN ACT to authorize the supervisors of the county of Montgomery to levy a tax upon the town of Canajoharie for the support of bridges.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The supervisors of the county of Montgomery are hereby authorized to cause to be levied and collected in the manner now prescribed by law, for the collection of taxes in the town of Canajoharie, in said county, the sum of one thousand dollars, in addition to the sum now authorized by law for the building and repairs of bridges in said town. Money to be raised by tax.

§ 2. This act shall take effect immediately.

CHAP. 165.

AN ACT to compel transfer agents of foreign corporations to exhibit a list of the stockholders thereof.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The transfer agent in this state of any moneyed or other corporation existing beyond the jurisdiction of this state, (whether such agent shall be a corporation or a natural person) shall at all reasonable times during the usual hours of transacting business, exhibit to any stockholder of such foreign corporation, when required by him, the transfer book of such foreign corporation, and also a list of the stockholders thereof (if in their power so to do.) Duty of agents.

§ 2. In case such transfer agent or any clerk or officer of such agent should refuse to exhibit such transfer book, or a list of the stockholders of such foreign corporation as aforesaid, he shall for every such offence forfeit the sum of two hundred and fifty dollars, to be recovered by the person to whom such refusal was made. Penalty.

CHAP. 166.

AN ACT *relative to the uniformed corps now organized and attached to the infantry of the city and county of New-York.*

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corps sub-
ject to order
of the
mayor.]

§ 1. The eighth regiment of light infantry, the battalion of Washington Guards, and the several separate uniformed companies now organized and attached to the infantry of the city and county of New-York, in addition to the duty now required by law, shall be subject to the order of the mayor of said city, whenever their services are required in aid of the civil authorities, to quell riots, to suppress insurrection, to protect the property and to preserve the tranquillity of said city.

Fines and
penalties.

§ 2. Every officer, non-commissioned officer, musician and private, in the said corps, shall be respectively subject to the same penalties and fines for any delinquency or deficiency in said service, and in the duties now required by law, as are now enforced by the fifty-second Section of Title ten of Chapter ten of Part first of the Revised Statutes, for neglect to appear and do duty at any parade for exercise, or for neglect or refusal to obey any lawful order of a superior officer.

Privileges
and exemp-
tions.

§ 3. Every officer, non-commissioned officer, musician and private, belonging to the said eighth regiment of light infantry, battalion of Washington Guards, and separate uniformed companies now organized and attached to the brigades of infantry in the city and county of New-York, who shall faithfully serve at all the parades, drills and reviews, authorized or directed by law, armed and equipped as the law directs, or shall have been excused for not so serving at such parades, drills or reviews, by the court-martial of their respective regiments or brigades, or the officer to whom an appeal is allowed to the decision of such court for any delinquency or deficiency therein, for the full term of seven years from the passage of this act, shall be entitled to the same exemption from jury service, and all other immunities now allowed by law to persons serving seven years in the first and sixth brigades of artillery in the city of New-York.

Evidence.

§ 4. The court before which such exemption shall be claimed shall not receive any certificate as conclusive evidence, but may examine into the fact of such service.

No. of men.

§ 5. The said uniformed corps shall not exceed sixty men to a company, all of whom must be effective, exclusive of commissioned and non-commissioned officers.

§ 6. The said uniformed corps shall be ordered out for exercise, at least eight, and not exceeding twelve times, in each year.

CHAP. 167.

AN ACT to confirm the official acts of John P. Becker, a justice of the peace.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All proceedings which have been had by and before John P. Becker, a justice of the peace of the town of Rotterdam, in the county of Schenectady, since the last day of December one thousand eight hundred and forty-one, shall be held to be of the same force and validity as if the said John P. Becker had taken the oath of office within the time, and in the manner prescribed by the laws and constitution of this state. Official acts confirmed.

§ 2. All the liabilities and forfeitures incurred by the said John P. Becker, for having executed any of the duties and functions of such office of justice of the peace, without taking the oath of office, are hereby remitted. Liabilities and forfeitures remitted.

§ 3. This act shall not affect any suit or legal proceedings which may have been had or commenced, in consequence of the invalidity of any proceedings before the said justice previous to its passage. Saving clause.

§ 4. This act shall take effect immediately.

CHAP. 168.

AN ACT to amend an act entitled "An act to incorporate The Householders' Mutual Insurance company," passed May 25, 1841.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall and may be lawful for The Householders' Mutual Insurance Company to insure against loss or damage by fire, any dwelling houses, parts of which are occupied as stores, shops and show rooms, and also such property kept in the dwelling parts of said houses as is enumerated in the first section of the act hereby amended. And it shall and may also be lawful for the said company to insure against loss or damage by fire, coach houses, stables, out buildings, and other offices at- Insurance.

tached to, or upon, the same lots with the dwelling houses insured by said company and owned by the same persons.

§ 2. This act shall take effect immediately.

CHAP. 169.

AN ACT to amend an act entitled "*An act for the relief of William Sternburgh,*" passed May 26, 1841.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Claim to be examined.

§ 1. The canal board are hereby authorized to examine the claim of William Sternburgh, for work and labor done, and materials found under his contract, dated August 28, 1837, for guard lock number one, on the Genesee Valley canal, and the sections of canal of five chains each, above and below, connected therewith, in the years eighteen hundred and thirty-seven and eighteen hundred and thirty-eight, by the direction of any engineer in the employ of the state; and to pay to the said William Sternburgh, or his legal representatives, such further sum in addition to what he has already received, as shall seem just and proper, out of any moneys appropriated to the construction of said canal; in making such examination the canal board are hereby authorized to use such testimony relating to such claim as may have been already taken before said board, or any committee thereof.

§ 2. This act shall take effect immediately.

CHAP. 170.

AN ACT to amend an act entitled "*An act for the relief of Asa T. Smith.*"

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Amount due to be ascertained.

§ 1. The canal board are hereby authorized to hear and determine the amount justly due to Asa T. Smith, for work done on section number twenty-four, on the Erie canal enlargement, through the city of Utica, over and above what has been allowed or paid under the act hereby amended.

How paid

§ 2. All sums of money, if any, which may be allowed under this act shall be paid by the commissioners of the canal fund, to the said Asa T. Smith, or his legal representatives, out of

any moneys appropriated for the enlargement of the Erie canal ; and the commissioners of the canal fund shall also in like manner pay to the said Asa T. Smith, or his legal representatives, the sum of nine hundred and seventy-three dollars and eighty-one cents, heretofore allowed under said act, without regard to any sum required by said act to be paid to Jacob Vanderheyden.

§ 3. This act shall take effect immediately.

CHAP. 171.

AN ACT to erect the town of Caroga in the county of Fulton.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All that tract or parcel of country lying in the county of Fulton, and constituting parts of the towns of Bleecker, Stratford and Johnstown, included within the following boundaries, viz: Beginning at the southwest corner of great lot number forty-three, in Glen, Bleecker and Lansing's patent, and runs thence northerly along the west side of lots number forty-three, forty-two, forty-one, forty, thirty-nine and thirty-eight, to the line of Hamilton county ; thence westerly along the north side of said patent to the northwest corner of great lot number sixty-three ; thence in southerly direction along the west side of lots number sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight and sixty-nine, and continuing the same course to the division line between the towns of Stratford and Ephratah ; thence southeasterly along the said division line to the west side of the town of Johnstown ; thence easterly on a straight line toward the southeast corner of lot number eighty-nine in Mayfield patent ; but this line is to extend east only far enough to intersect a line which shall extend southerly from the place of beginning on the same course as the first line, (reversed) until it meets the point of intersection ; is hereby erected into a separate town, and shall be known and distinguished by the name of Caroga ; and the first town meeting shall be held at the house of Garrit A. Newkirk on the first Tuesday in March, 1843.

§ 2. Garrit A. Newkirk and any other persons whom the meeting may appoint, may preside at the first town meeting in said town, and shall possess all powers to appoint a clerk and keep the polls as if they were justices of the peace of the said town of Caroga.

§ 3. This act shall take effect on the first day of March, 1843.

CHAP. 172.

AN ACT *authorizing the proprietors of Cow-Neck, at North Sea, in the town of Southampton, and county of Suffolk, to erect a bridge across a certain creek.*

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Free bridge
may be erect-
ed.

§ 1. It shall and may be lawful for Austin Rose and others, proprietors of Cow-Neck, at North Sea, in the town of Southampton, and county of Suffolk, to erect a bridge or dam across the creek or water course from the Scollop pond to the Island creek, where the highway now runs, as heretofore laid out, leading from North Sea to Cow-Neck, which shall be free for said proprietors, and all others, to pass and repass as occasion may require.

§ 2. This act shall take effect immediately.

CHAP. 173.

AN ACT *for the relief of the widow, (now Elizabeth Tate,) and the children of Robert McCormick, an alien, deceased.*

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Right and
title of the
estate releas-
ed.

§ 1. All the right, title and interest of the people of this state to eighty-four acres of land in lot number 6, first range, in the town of Lisbon in the county of St. Lawrence, lately in the possession of Robert McCormick, an alien, now deceased, is hereby released to the widow and children of the said Robert McCormick ; the said widow, (now Elizabeth Tate,) shall be entitled to hold dower in the above described piece of land, and the children of the said Robert McCormick shall be entitled to take, hold, and convey the same in the same manner, and as fully as if the said Robert McCormick had been a naturalized citizen of the United States, upon condition, however, that the said premises shall be subject to the debts of the said Robert McCormick, deceased, to the same extent they would have been, had the said Robert McCormick, deceased, been a naturalized citizen of the United States.

§ 2. This act shall take effect immediately.

CHAP. 174.

AN ACT *relative to the Millville Academy.*

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The time of holding the annual meeting of the stockholders of the Millville Academy, in the county of Orleans, is hereby changed from the first Monday in February to the first Monday after the third Wednesday in December in each year, and any seven trustees of said academy may form a quorum for the transaction of business. Time of holding annual meeting changed.

§ 2. This act shall take effect immediately.

CHAP. 175.

AN ACT *authorizing the board of supervisors of the county of Oswego to raise money by tax, for the purposes therein mentioned.*

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The board of supervisors of the county of Oswego are hereby authorized, at their next annual meeting, at their discretion, to cause to be assessed, levied and collected by tax, on all the taxable property in the county of Oswego, in the same manner as county charges are now by law levied and collected, the sum of three thousand dollars, or such other less sum as they may deem proper, for the purpose of reimbursing to Jonathan Case, late sheriff of the county of Oswego, certain moneys by him paid on a judgment rendered against him, as sheriff, in consequence of the escape of Ferdinand Garlack from the jail of that county. But no such money shall be authorized to be collected as aforesaid, unless it shall be deemed just and equitable by a majority of the board of supervisors of the said county of Oswego, at their next annual meeting as aforesaid. Money to be raised by tax.

CHAP. 176.

AN ACT to amend "An act to promote agriculture," passed May 5, 1841.

Passed April 11, 1842.

The People of the State of New-York represented in Senate and Assembly, do enact as follows :

Genesee and
Wyoming
counties.

§ 1. So much of section first of the act entitled "An act to promote agriculture," as is in the following words, "to the county of Genesee, the sum of one hundred and seventy-nine dollars," is hereby repealed, and the following substituted in lieu thereof:

To the county of Genesee, the sum of ninety-two dollars ;

To the county of Wyoming, the sum of eighty-seven dollars.

§ 2. This act shall take effect immediately.

CHAP. 177.

AN ACT for the relief of Thomas A. Sherwood.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Sherwood
compensa-
tion may be
allowed.

§ 1. The canal board are hereby authorized to audit and allow to Thomas A. Sherwood, such further compensation for constructing lock number twelve on the Erie enlargement, as will be just and equitable ; if upon investigation of the whole matter, the board shall be of opinion that the said Thomas A. Sherwood is entitled to any further compensation, in consequence of having to perform more labor, or furnish different or more stone and materials, or to perform labor in a different manner than was contemplated by the parties at the time the contract was made.

When and
how paid.

§ 2. The sum which shall be allowed under this act shall be paid by the commissioners of the canal fund, out of any moneys appropriated for the payment of allowances to contractors on the enlargement of the Erie canal.

§ 3. This act shall take effect immediately.

CHAP. 178.

AN ACT for the relief of the children of *Frances P. Pellet, deceased.*

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All the right, title and interest of the state of New-York to lot number one, in the town of Mansfield, in the county of Cattaraugus, containing one hundred acres of land, is hereby released to Albert G. Avery and Franklin Wheeler, the children of *Frances P. Pellet, deceased*; and they are hereby authorized to take, hold and convey the same as fully and effectually as if the same had not been escheated to the state. Right and title of the state released.

§ 2. This act shall take effect immediately.

CHAP. 179.

AN ACT to incorporate the *Auburn Savings Bank.*

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. J. M. Sherwood, Abijah Fitch, Parliament Bronson, Thomas M. Hunt, John H. Chedell, Henry Ibison, Jr. Spencer Parsons, G. V. Orton, David C. Stewart, J. H. Hardenburgh, Isaac S. Allen, James S. Seymour and George S. Murfey, and their successors, are constituted and created a body corporate and politic, by the name of the "Auburn Savings Bank." Corporation created.

§ 2. The said corporation shall not take and hold real and personal estate above the clear annual value of two thousand dollars, exclusive of the profits which may arise from the interest accruing on the stock or other securities taken on the investment of the deposits made in said bank, or from a sale or transfer of any such stock or securities. Real and personal estate.

§ 3. The trustees or managers of the said corporation shall not as such directly or indirectly, receive any pay or emolument for their services. Trustees not to receive pay.

§ 4. The officers of the said corporation shall consist of a president and a vice-president, to be chosen by the trustees from their number, who, together with the other trustees, shall constitute a board of managers, seven of whom, the president or vice-president always being one, shall constitute a legal meeting of such board for the transaction of business. Officers.

First trustees.

§ 5. The several persons named in the first section of this act shall be the first trustees of said corporation, and shall elect the president and vice-president; and all vacancies by death, resignation or otherwise, either in the office of president or vice-president, or trustees, shall be chosen by ballot by the board of managers at their first regular meeting after such vacancy shall occur; and the person having the majority of the whole number present and voting, shall be considered duly elected, and not otherwise.

Deposites.

§ 6. The said corporation shall receive as deposits, all sums of money that may be offered for that purpose, in such sums and on such terms as are allowed by this act, for the purpose of being invested in any public stock created under and by virtue of any law of the United States, or of the state of New-York, or of being loaned out upon bond and mortgage as the board of managers may deem amply sufficient; and such deposits shall be repaid to each depositor when required, at such times and with such interest and under such regulations as the board of managers shall from time to time prescribe, which regulations shall be put up in some public and conspicuous place in the room where the business of the said corporation shall be transacted, and shall not be altered so as to affect any one who may have been a depositor previous to such alteration.

Officers not to borrow funds.

§ 7. No president, vice-president, trustee or other officer of said corporation, shall directly or indirectly borrow or use the funds of the corporation except to pay the necessary current expenses; and all certificates or evidences of deposit made by the proper officer, shall be as effectual to bind the corporation as if they were under the common seal thereof.

Rate of interest.

§ 8. It shall be the duty of the board of managers of said corporation to regulate the rate of interest to be allowed the depositors, so that they shall receive a rateable proportion of all the profits of the said bank, after deducting all necessary expenses of the management of the said bank.

Officers to give security.

§ 9. The subordinate officers and agents of the said corporation, shall respectively give such security for their fidelity and good conduct, as the board of managers may from time to time require; and said board shall determine the salaries of such officers and agents.

Annual report.

§ 10. The corporation shall make an annual report to the legislature of this state, of their funds and investments.

Books may be examined.

§ 11. The books of said corporation shall at all times during the hours of business, be open for inspection and examination to the Comptroller of this state, and such other persons as the legislature may designate or appoint.

Deposites by minors.

§ 12. When any deposit shall be made by any person being a minor, the said corporation may at their discretion pay to such depositor such sums as may be due to him or her, not

exceeding two hundred and fifty dollars, although no guardian shall be appointed for such minor; and the receipt or the acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor.

§ 18. The provisions contained in Title third of Chapter eighteen of the first part of the Revised Statutes, shall be deemed and taken as a part of this act, except when the same are herein altered, modified or changed. General provisions.

CHAP. 180.

AN ACT for the relief of Richard Kingston.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The right, title and interest of Richard Kingston, now a naturalized citizen of the United States of America, to any real estate in the state of New-York, heretofore conveyed by Stephen Charles and Janett R. his wife, to Hugh Hodge, and by the said Hugh Hodge and Jane his wife to Richard Knowles, and by the said Richard Knowles to the said Richard Kingston, shall be the same in all respects, and the said Kingston shall be entitled to take and hold and dispose of the same, in the same manner, and to the same extent as he could or would have done had the several grantors, at the times conveyances were made respectively, and the said Kingston, at the time of the conveyances to him, been naturalized citizens; and all the right, title and interest of the people of the state of New-York, acquired by escheat thereon, are hereby released. Right and title of the state released.

§ 2. This act shall take effect immediately.

CHAP. 181.

AN ACT to alter the division line between the towns of Thompson and Liberty.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. All that part of the town of Thompson, in the county of Sullivan, known as division lot number five, in great lot of Sullivan, known as division lot number five, in great lot Part of Thompson annexed to Liberty.

number two of the Hardenburgh patent, shall be and form a part of the town of Liberty, in said county.

§ 2. This act shall take effect immediately.

~~Enacted by the Senate and Assembly on the 11th day of April 1842.~~

CHAP. 182.

AN ACT in relation to the Deerfield McAdam Road.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Money may be paid for bridge.

§ 1. The act entitled " An act to authorize the construction of a McAdam road, in the town of Deerfield," passed April 26, 1839, shall be so constructed as to authorize the commissioners of said road to make and pay for, out of any funds in their hands, one half of the bridge over the Mohawk river, at the foot of Genesee street, in the city of Utica.

Five commissioners may be appointed.

§ 2. The holders of the certificates for loans made for the construction of said road, pursuant to the act passed April 18, 1840, relating to said road, shall meet in person annually on the first Monday of June, at the office of the clerk of Oneida county, at twelve o'clock, at noon ; and when so assembled, they or a majority of them in interest, then and there assembled, shall appoint, by writing under their hands, three commissioners of said road, and the judges of the court of common pleas of the county of Oneida shall appoint two other commissioners of said road on the second Monday of June, in each year ; which appointments shall be filed on said first Monday of June with the clerk of the county of Oneida. The commissioners so appointed, before entering on the duties of their appointment, shall take the oath required by the eleventh section of the act hereby amended, passed April 26, 1839 ; and shall then possess all the powers and privileges and be subject to all the duties and restrictions of the present commissioners under said act.

Tenure of office.

§ 3. The commissioners appointed pursuant to the foregoing section shall hold their offices for one year and until others are appointed in their place.

Commissioners under act of 1839 to cease.

§ 4. The commissioners appointed by the first section of the act hereby amended, passed April 26, 1839, shall cease to be such commissioners on the first Monday of June next.

§ 5. This act shall take effect immediately.

CHAP. 183.

AN ACT for the relief of Samuel Farwell, and others.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The commissioners of the canal fund, are hereby authorized and required to receive the certificate of stock issued to Samuel Farwell, December 17, 1841, amounting in all to twenty-seven thousand six hundred and eighty-two dollars, on delivery of the same to said commissioners to be cancelled, which said certificates of stock were issued by virtue of an act passed May 25, 1841, entitled "An act to provide for the further improvement of the Chemung canal and feeder," and issued in the manner directed by the acts therein referred to.

Certificates of stock to be received by canal fund commissioners.

§ 2. On the delivering of said certificates to the said commissioners, the debts due from this State to Farwell, Baker & Co. and Brayton & Chesbro, two firms, each composed of the same persons, Josiah W. Baker, Thomas R. Brayton, Thomas W. Chesbro, Charles G. Case, Eli Farwell, and Samuel Farwell, and also the debt due from the state to John B. Cromwell, for labor and work done by them, and materials furnished by them in the construction of locks, and an aqueduct, and excavating on the Chemung Canal, under their contracts with the state in 1840 and 1841, shall be and remain debts against the state, to the amount of the certificates by them respectively returned, the same as though the certificates of stock referred to in the first section of this act, had never been issued or received, and said debts shall be payable out of any moneys to be raised pursuant to the provisions of subdivisions two, four and five of section five of the act entitled "An act to provide for paying the debt and preserving the credit of the state," passed March 29, 1842.

Amount of certificates to remain a debt against the state.

§ 3. This act shall take effect immediately.

CHAP. 184.

AN ACT relative to the New-York and Albany Rail Road Company.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The time for the completion of the New-York and Albany Rail Road is hereby extended three years.

§ 2. The said company shall not be authorized to construct any branch road to the eastern line of the state, until they shall

Restriction.

have completed the said road from Harlaem river to the north line of Dutchess county, and they shall not be authorized to put in operation that section of the road between the city of Troy and the village of Greenbush, by running or using cars thereon, until two hundred and fifty thousand dollars in addition to the moneys already expended, shall have been actually laid out and expended on the line of said rail road, south of the north line of the county of Columbia : nothing in this act contained shall be construed as enlarging the rights or privileges of said company in the county of Westchester, or as impairing the rights and privileges of the New-York and Harlaem Rail Road Company in said county, as now by law existing.

Persons en-
titled to
vote.

§ 3. No person shall be entitled to vote at any election of directors of said company, upon any stock held by him, unless five per cent on each share of such stock shall have been actually paid to the treasurer of said company.

CHAP. 185.

AN ACT *to annex a part of the town of Hornby in the county of Steuben, to the town of Orange.*

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Part of
Hornby an-
nexed to
Orange.

§ 1. That part of the town of Hornby in the county of Steuben, described within the following bounds : Beginning at the northwest corner of the town of Hornby, and at the northeast corner of the town of Campbell, running thence south three degrees west in said township line, forty-six chains and fifteen links, to a corner of Laban S. Babbet's land ; thence south eighty-seven degrees east, nine chains and eighty-one links, to another corner of said Babbet's land ; thence north sixty-eight degrees east, fifty chains, to a hemlock tree near the road marked ; thence north ten degrees east, twenty-five chains and ten links, to a stake standing in the line between the towns of Hornby and Orange ; thence north eighty-seven degrees west in said town line, fifty-eight chains to the place of beginning, be, and the same is hereby annexed to the town of Orange in the said county of Steuben.

CHAP. 186.

AN ACT to authorize the agent of the state prison at Auburn to convey certain land.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The agent of the state prison at Auburn, with the consent of each of the inspectors of said prison, is hereby authorized to convey to the Auburn and Rochester Railroad Company the land or right of way on which said railroad is now constructed, belonging to the state in the village of Auburn, for the sum of six hundred dollars ; that sum being the amount awarded by a jury called for the purpose of ascertaining the damages in such cases, according to the provisions of the act incorporating said company, provided the said company shall construct and at all times keep open, a passage under said railroad, from twelve to sixteen feet in width and from ten to twelve feet in height, according to the directions of said agent and inspectors.

Land may be sold.

§ 2. The said sum of money shall be paid to the agent of the state prison at Auburn for the use of said prison.

Money to be paid to agent.

CHAP. 187.

AN ACT authorizing the payment of travelling fees and compensation for the attendance of the officers of the senate at an executive session thereof held in the city of Buffalo.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The Treasurer shall pay on the warrant of the Comptroller, to the receiver of the Bank of Buffalo, the same compensation and mileage as is allowed to members of the legislature, for the attendance of Samuel G. Andrews, Richard M. Meigs, Philip M. Dezing, and Alfred Stone, at the executive session of the senate at Buffalo in August, one thousand eight hundred and forty-one, and one dollar and fifty cents each per day as a compensation for the attendance of Robert F. Salvidge and John Hancock at said executive session, and their mileage at the same rate as authorized by a resolution of the senate adopted on the fourteenth of May, one thousand eight hundred and forty, such compensation and mileage having been advanced by the Bank of Buffalo to said persons.

Money to whom paid.

§ 2. This act shall take effect immediately.

LAWS OF NEW YORK.

CHAP. 188.

AN ACT for the relief of Orris Hamilton.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Damages to
appraised

§ 1. The canal appraisers are hereby authorized to ascertain, appraise and certify the damages, if any, sustained by Orris Hamilton, caused by the construction of the Chenango canal to his lands situate in the town of Norwich, in the county of Chenango, in the same manner as if the said Hamilton had made application to said appraisers, for the appraisal of such damages, within the time prescribed by law, and with the like force and effect.

Money
when paid.

§ 2. The commissioners of the canal fund are hereby authorized and required to pay the amount of such appraisal to said Orris Hamilton, or his legal representatives, when thus ascertained and certified, out of the tolls of the Chenango canal.

§ 3. This act shall take effect immediately.

CHAP. 189.

AN ACT to incorporate the "The Young Men's Association of Elmira."

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation
created.

§ 1. The members of The Young Men's Association of Elmira, in the county of Chemung, and all persons who shall hereafter be associated with them, are hereby created a body corporate by the name of "The Young Men's Association of Elmira," for the purpose of establishing and maintaining a library, reading room, literary and scientific lectures, and other means of promoting moral and intellectual improvement, with power for such purposes to take by purchase, devise or otherwise, and to hold real and personal property to the amount of ten thousand dollars.

Affairs how
to be managed.

§ 2. The control and disposal of the funds, property and estate, and the direction and management of the concerns of said corporation shall be vested in an executive committee, whose powers and duties may be more particularly prescribed in the by-laws of the said corporation; the said executive committee shall consist of the president, vice-president, the corresponding secretary, the recording secretary, the treasurer, and seven managers of the said corporation, who shall be elected

annually to their respective offices by such of the members of the said association as are or may be entitled by the by-laws to vote at such elections.

§ 3. The several officers of the association at the time of the Officers. passage of this act, shall continue to hold their respective offices as officers of the corporation hereby created until the next annual election, unless in case of a vacancy previously occurring by death, resignation or otherwise; and all personal property or funds, or securities now held by the said officers, or either or any of them, or any other person or persons in trust for the said association, or for the use or benefit of the same, including choses in action, which by the terms thereof are payable to either, or any of the said officers, or to any other person or persons in trust for the said association, shall by virtue of this act, vest in and become the property of, and may be sued for and recovered in the name of the corporation hereby created; and the said corporation shall assume and be liable for all contracts, agreements and responsibilities which have been entered into or incurred previous to the passage of this act, by the offices of said association, or any of them, lawfully acting in behalf of said association.

§ 4. The annual election of officers of the said corporation Election. shall be held on the second Tuesday of November in each year, or on such other day as the said corporation in its by-laws may appoint.

§ 5. The executive committee shall have power to fill all va- Vacancies. cancies which may occur in any of the offices of the said corporation, and to appoint, and at pleasure remove such other officers, agents or servants as the business or interest of the said corporation, in their opinion, may require.

§ 6. The estate, property and funds of the said corporation Estate and funds how devoted. shall be devoted solely to the general purpose and object specified in the first section of this act; and the real estate of the said corporation shall be subject to taxation in the same manner as the real estate that is held or owned by individuals.

§ 7. The said corporation shall enjoy the privileges, and be General powers. subject to the restrictions contained in the third Title of the eighteenth Chapter of the Revised Statutes, so far as the same may be applicable thereto.

§ 8. The legislature may at any time alter, modify or repeal Rights repeal. this act.

CHAP. 190.

AN ACT relating to the courts of common pleas and general sessions of the peace, of the county of Tompkins.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Four terms. § 1. There shall hereafter be four terms of the courts of common pleas and general sessions of the peace, of the county of Tompkins, held in each year, to commence on the second Mondays of March, June, September and December, instead of the terms heretofore directed by law to be held, and which are hereby abolished.

Writes and process. § 2. The first term of the said courts to be held in pursuance of this act, shall be on the second Monday of June next ; and all writs, process, notices and recognizances or other proceedings in said courts of common pleas and general sessions, returnable or to be heard on the third Monday of May next, shall be regarded as returnable and noticed for hearing or argument on the second Monday of June next.

CHAP. 191.

AN ACT to amend an act entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Catskill, in the county of Greene,'" passed April 12, 1822.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Repeal. § 1. That so much and such parts of the act amending the act of incorporation of the village of Catskill, passed April 12, 1822, as may conflict with the following sections be and are hereby repealed.

Engineers. § 2. It shall and may be lawful for the members of the fire companies of the village of Catskill, from and after the passage of this act, and they are hereby authorized annually to elect one chief engineer and two assistant engineers of the fire department of said village by ballot.

Election. § 3. Such elections shall be held on the first Monday of April in each year hereafter, and the candidates receiving a plurality of votes shall be declared duly elected, and it shall be the duty of the president of the board of trustees to issue to the persons so elected, certificates of office immediately upon being notified of the result of such election.

§ 4. The first foremen of the respective engine and hook and ladder companies shall be a board of inspectors of such annual elections to preside at the same, and shall give six days' notice of the time and place of holding the same by putting the same up in five conspicuous places in said village. Inspectors of election.

§ 5. All vacancies in the above named offices shall be filled Vacancies. at a special election to be called, and conducted in the same manner as the annual elections.

§ 6. This act shall take effect immediately.

CHAP. 192.

AN ACT to incorporate the "St. George's German Benevolent Society for the city of New-York."

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. George Swartz, Andrew Jagen, Peter Stoltz, Peter Bratel, Francis Petre, and Peter Demig, and such persons as now are, or shall hereafter become members of the St. George's German Benevolent Society for the city of New-York, are hereby constituted a body politic and corporate, by the name aforesaid, to be located in said city and to continue for the term of twenty-one years. Corporation created.

§ 2. The objects of this society are charitable and to afford relief to its members in cases of sickness or destitution, and for their burial after death. Objects of society.

§ 3. The said corporation may purchase and hold real and personal estate, for their use and benefit, not exceeding at any one time the sum of fifteen thousand dollars. Estate.

§ 4. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities contained in the third Title of the eighteenth Chapter of the first Part of the Revised Statutes. General powers.

§ 5. The legislature may at any time alter or repeal this act.

CHAP. 193.

AN ACT *authorizing the commissioners of highways in the towns of Harpersfield, Kortright, Meredith, Franklin and Sidney, in the county of Delaware, to divide the Susquehanna turnpike road into road districts.*

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Road to be
divided into
districts.

§ 1. It shall be the duty of the commissioners of highways, in the respective towns of Kortright, Meredith, Franklin, Sidney, and Harpersfield, in the county of Delaware, to divide the Susquehanna turnpike road, from Hotchkiss' Mills to the Susquehanna river, into convenient road districts, in said towns respectively, and to assess such persons as reside on the said road, in the same manner as if the same were a public common highway.

Tolls col-
lected how
applied.

§ 2. In case the president and directors of the Susquehanna Turnpike Road Company shall at any time hereafter erect or shut any of the toll gates upon the said road for the purpose of collecting tolls, they shall be liable to pay out of the tolls first collected, at the said gate or gates, to the commissioners of highways of the town or towns respectively through which the said road, from the said Hotchkiss' Mills to the Susquehanna river, may pass, for which the tolls shall be so collected as aforesaid, an equivalent for the labor bestowed upon the said road, by the inhabitants of the said towns respectively, equal to the sum or sums at which the said labor would be estimated in commutation money, authorized by the act to regulate public highways; which sum or sums of money shall be recovered by the said commissioners of highways, by an action on the case upon promises in any court having jurisdiction thereof, and when collected to be accounted for by said commissioners of highways to the board of auditors of town accounts of the said towns respectively.

§ 3. This act shall take effect immediately.

CHAP. 194.

AN ACT to divide the town of Elba, in the county of Genesee, and to erect the town of Oakfield.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. From and after the first Monday of March next, all that part of the town of Elba, in the county Genesee, lying west of a north and south line, beginning at the southwest corner of lot three, section five, township thirteen, range two of the Holland Land Company's land, running north upon said line of lots to the north bounds of said town, shall be a separate town by the name of "Oakfield," and the first town meeting therein shall be held at the house of Isaiah Olcott, on the first Tuesday in March, eighteen hundred and forty-three, at which Perez Howland, John C. Gardner and Clitus Wolcott shall preside.

Town of Oakfield erected.

§ 2. The remaining part of said town of Elba shall be and remain a separate town, by the name of Elba.

Elba to remain.

§ 3. The expenses of this division shall be a charge on both towns, in equal proportions, to be audited and paid for as other town charges are.

Expenses.

§ 4. The public moneys appropriated to the use of common schools, and moneys in the hands of the commissioners of highways, belonging to the present town of Elba, shall be divided between the towns hereby formed, agreeably to the last assessment roll or tax list of the taxable inhabitants of the town of Elba; and such division shall be made by the supervisors, commissioners of common schools and of highways of the said towns at a meeting to be by them appointed for that purpose, as soon as convenient after the next town meetings of said towns, or at any adjourned meeting for that purpose.

Moneys to be divided.

§ 5. The supervisors and overseers of the poor of said towns of Elba and Oakfield, shall meet within thirty days after the next annual town meetings in said towns, and shall divide all poor moneys, together with the debts due to or owing by said town of Elba, in such manner as shall be deemed equitable.

§ 6. This act shall take effect immediately.

CHAP. 195.

AN ACT to amend the charter of the Buffalo and Williams-
ville Macadam Road Company.

Passed April 11, 1842, by a two-third vote.

*The People of the State of New-York, represented in Senate
and Assembly, do enact as follows :*

Amendment § 1. The first section of the act entitled "An act to amend
the charter of the Buffalo and Williamsville Macadam Road
Company," passed March 16, 1840, is hereby amended so as
to read as follows :

The Buffalo and Williamsville Macadam Road Company,
shall possess the powers prescribed in the thirty-fifth, fifty-
fourth and fifty-fifth Sections of the first Title of the eighteenth
Chapter of the first Part of the Revised Statutes.

§ 2. This act shall take effect immediately.

CHAP. 196.

AN ACT requiring the surrogate of Cayuga county to keep
his office in the court house of said county.

Passed April 11, 1842.

*The People of the State of New-York, represented in Senate
and Assembly, do enact as follows :*

Office to be
kept in the
court house.

§ 1. The surrogate of the county of Cayuga is hereby re-
quired to keep his office in the court house of said county, in
such room or rooms therein as may be designated for that pur-
pose, by the judges of the court of common pleas of said county ;
and the sheriff thereof is hereby authorized and required to
cause such room or rooms as may be so designated by said
judges, to be fitted up and completed for that purpose, at the
cost and expense of said county, which cost and expense shall
be levied and collected in the same manner as county charges
are now by law required to be levied and collected ; and the
surrogate is required to remove his office to such room or
rooms, and continue to keep it there so soon as the same shall
be fitted up and completed as aforesaid.

§ 2. This act shall take effect immediately.

CHAP. 197.

AN ACT to amend the law in relation to suits against foreign corporations.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The rights or shares, which any foreign corporation may have or own in the stock of any bank, banking association, insurance company, or other company or corporation, together with the interests, rents and profits due and growing due thereon, and all trust property real or personal, funds, deposits, moneys or credits held by or due from any bank, insurance company, or other company or corporation, or individual in this state, for and in behalf or to such foreign corporation, shall be liable to be attached in actions at law, and levied upon and sold to satisfy any judgment and execution.

Stocks, funds and property of foreign corporations may be attached.

§ 2. The execution of the attachment upon any such rights or shares, or trust property funds, deposits, moneys, or credits shall be made by leaving a true and attested copy of the writ, by the officer serving the same, with his proper endorsement thereon, with the cashier of such bank, or with the secretary or clerk of such insurance company or other company or corporation, or with such individual holding such trust property funds, deposits, moneys, or credits, and such rights or shares, together with the interest, rents and profits, or such trust funds, deposits, moneys, or credits, shall be holden to respond to the judgment which may be recovered in such action, or to satisfy such execution.

Attachment how executed.

§ 3. Whenever a sheriff shall, with a writ of attachment or execution against a foreign corporation, apply to such cashier, secretary or clerk, or to such individual for the purpose of so attaching or levying upon such rights or shares, or such trust property funds, deposits, moneys or credits, the cashier, secretary or clerk, or individual shall furnish him with a certificate under his hand, in his official capacity, if he be an officer, designating the number of rights or shares such foreign corporation holds in the stock of such bank, company or corporation, with the incumbrances thereon, if any there be, and the amount of the dividend due thereon, or the amount and description of such trust property funds, deposits, moneys, or credits held by such company, corporation or individual for the benefit of such foreign corporation.

Sheriff to be furnished with amount of rights, shares &c. by officers.

§ 4. In case judgment be entered for the plaintiff in any such suit, the sheriff shall satisfy the same out of the property attached by him, if it shall be sufficient for that purpose.

Duty of sheriff in case judgment be entered for plaintiff.

1. By paying over to such plaintiff the proceeds of all sales of perishable property, and of any vessel or share, or interest in any vessel sold by him, or so much as shall be necessary to satisfy such judgment.

2. If any balance remains due and an execution shall have been issued on such judgment he shall proceed to sell under such execution so much of the attached property, real or personal, as may be necessary to satisfy such balance, if enough for that purpose shall remain in his hands, and in case of the sale of any such property as is mentioned in the first section of this act, the sheriff shall execute to the purchaser a deed or bill of sale thereof, and the purchaser shall thereupon on demand be entitled to all such property deposits, trust property funds, moneys or credits, and all such rights and shares or stock, and shall have all the rights and privileges in respect thereto as were possessed by such foreign corporation.

3. If any of the attached property or effects belonging to such foreign corporation shall have passed out of the hands of such sheriff, by delivery or otherwise, without having been sold, such sheriff shall repossess himself of the same; and for that purpose he shall have all the authority which he had to seize the same under the attachment; and any person who shall wilfully conceal, withhold or detain any such property or effects from the said sheriff, shall be liable to double damages at the suit of the parties interested and injured.

4. Until the judgment against such foreign corporation shall be paid, such sheriff shall proceed to collect the notes, bills and other evidences of debt that may have been seized under such attachment, and to prosecute any bond which he may have taken in the course of such proceedings, and apply the proceeds thereof to the payment of such judgment, and when such judgment and all costs of the proceedings shall have been fully paid, the sheriff upon reasonable demand shall deliver over to such foreign corporation all the residue of such attached property, or the proceeds thereof.

No default
of judgment
to be taken
until notice
is filed.

§ 5. No default or judgment shall be taken in any such suit until the plaintiff shall file with the clerk of the court in which such suit shall be pending, evidence by affidavit or otherwise, that he has caused a notice to be published in the state paper, and in one newspaper printed in the county where such attachment shall have been executed at least once in each week, for twelve weeks successively, stating the issuing of the attachment, the names of the plaintiff, and of his attorney, and of the officer who issued the attachment, and the nature and amount of the demand claimed against such foreign corporation.

§ 6. The twenty-fourth Section of Article one, Title four, Chapter eight, Part three of the Revised Statutes, and the third Section of the act entitled "An act to amend the Revised Statutes in relation to proceedings against absent debtors and foreign corporations," passed May 14, 1840, are hereby repealed.

§ 7. This act shall take effect immediately.

CHAP. 198.

AN ACT to amend the act "To incorporate the Jamaica and Rockaway Turnpike Company," passed April 2, 1806.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The president and directors of the Jamaica and Rockaway Turnpike Company are hereby authorized and empowered to demand and receive for every person using the said turnpike road, for any distance exceeding one hundred yards, with wagons, carts or carriages, loaded with hay or other products of the meadow or marshes, or with manure, ashes, wood, coal, or any other commodity, a toll of twelve and a half cents ; provided that this section shall not be deemed to affect the privileges of those persons who, in the original and amended act of April, 1820, are exempted from the payment of toll in certain cases.

Toll to be demanded.

CHAP. 199.

AN ACT to amend an act entitled "An act relative to the village of Ballston Spa," passed March 21st, 1807, and revised and amended March 15th, 1822.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The second section of the act entitled "An act relative to the village of Ballston Spa," passed March 21st, 1807, and revised and amended March 15th, 1822, is hereby amended as follows : "The inhabitants of said village entitled to vote for members of assembly, at each annual election shall elect by ballot five trustees, one of whom shall be by the said trustees

Five trustees to be elected.

at their first meeting appointed president of said village which said five trustees, when they shall be so elected, and shall have qualified as prescribed in said act, shall possess the same powers, and be subject to the same duties, as the trustees were in the said act mentioned; provided always, that all suits hereafter to be brought for or against the said corporation shall be by or against the president thereof in his name of office."

Hook and
ladder com-
pany.

§ 2. The fourth section of the said act is hereby amended, by inserting immediately after the words "and guarding against fire generally in said village," therein, the words "the said trustees are hereby authorized, and it shall be their duty, to organize a hook and ladder company, to consist of not exceeding twenty-five members, and prescribe their duties; and shall also, from time to time, appoint a chief and an assistant engineer, and prescribe their respective duties. The said chief and assistant engineer shall hold their respective places during the pleasure of the said trustees, and shall, when so appointed, and before they enter upon their respective offices, take and subscribe the oath or affirmation prescribed in the third section of the said act."

Engineers.

Pound to be
erected.

§ 3. The said fourth section of the said act is hereby further amended by inserting immediately after the words "sheep, horses and cattle of every kind," therein, the words "and shall cause to be erected a pound within said village, and make rules and by-laws regulating the same; and shall also, from time to time, appoint a pound keeper, who shall take the oath of office prescribed by the said third section, and shall in like manner hold his office during the pleasure of the said trustees."

§ 4. The said village of Ballston Spa (excepting the bridges therein) shall be a road district, exempt from the superintendence of the commissioners of highways of the town of Milton and the town of Ballston; and the trustees of said village shall be commissioners of highways for said village, and shall have the same powers, and be subject to the same duties over the roads, streets and alleys of said village, as commissioners of highways in towns; and they shall have power to appoint one or more overseers, who shall hold their respective places during the pleasure of the said trustees; and all such overseers shall have the same powers within the bounds of said village, and be subject to and liable to the same penalties as overseers of highways in towns.

Election.

§ 5. The annual election in said village shall hereafter be held on the last Tuesday of March in each year.

Repeal.

§ 6. All parts of the said first mentioned act which are inconsistent with this act are hereby repealed.

§ 7. This act shall take effect immediately on its passage.

CHAP. 200.

AN ACT to incorporate the Penn Yan Washington Association.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The members of the " Washington Association" of the village of Penn Yan, and all persons who shall hereafter be associated with them, are hereby created a body corporate by the name of " The Penn Yan Washington Association," for the purpose of establishing and maintaining a library, reading rooms, literary and scientific lectures and debates and other means of promoting moral and intellectual improvement ; with power for such purpose, to take by purchase, devise or otherwise, and to hold, transfer and convey, real and personal property, to the amount of ten thousand dollars, and also further to take, hold and convey, all such books, cabinets, library, furniture and apparatus as may be necessary for attaining the objects and carrying into effect the purposes of the said corporation.

Corporation created.

§ 2. The control and disposal of the funds, property and estate and the direction and management of the concerns of the said corporation, shall be vested in an executive committee, to consist of the president, the vice-president, the corresponding secretary, the recording secretary, the treasurer, the librarian, and three managers of the said corporation, who shall be elected annually to their respective offices by such of the members of the said association as are or may be entitled by the constitution thereof to vote at such election.

Affairs how managed.

§ 3. The annual election for officers of the said corporation, shall be held on the last Wednesday of December in each year, notice of which shall be published in one of the newspapers of the village of Penn Yan at least fourteen days previous to such election.

Election.

§ 4. The said corporation shall possess the powers and be subject to the provisions and liabilities of the eighteenth Chapter of the first Part of the Revised Statutes.

General powers.

§ 5. This act shall take effect immediately.

§ 6. This act may at any time hereafter be amended, modified or repealed by the Legislature.

Right to repeal.

CHAP. 201.

AN ACT to incorporate the Palmyra Academy.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation
created.

§ 1. Truman Heminway, Stephen Hyde, William P. Nottingham, Burr Butler, Thomas Rogers, Levi Thayer, George W. Cuyler, Daniel Gates, William B. Tilden, Carlton H. Rogers, Augustus Elmendorf, William H. Cuyler, Jacob J. Delematter, Frederick Smith, David D. Hoyt, and such other persons as may associate with them, are hereby constituted a body corporate by the name of "The Palmyra Academy," to be located in the village of Palmyra, in the county of Wayne, for the purpose of conducting a seminary of learning for the education of youth of both sexes.

Concerns
how man-
aged.

§ 2. The estate, property and concerns of the said corporation shall be managed by a board of fifteen trustees.

First trust-
tees.

§ 3. The persons named in the first section of this act shall be the first trustees of said corporation, and shall be divided by lot into three classes : the term of service of the first class shall expire on the first Monday of October next ; that of the second in one year ; and that of the third in two years thereafter.

Election.

§ 4. On the first Monday of October in the year one thousand eight hundred and forty-two, and on the first Monday in October in each succeeding year, there shall be an election of five trustees, who shall hold their offices for three years, and until others shall be elected in their places. The election shall be by ballot, and by a plurality of the votes of the members present.

Literature
fund.

§ 5. The said academy shall participate in the distribution of the literature fund whenever the regents of the university shall be satisfied that it has complied with the requisitions which would authorize them to incorporate the same.

General
powers.

§ 6. The corporation hereby created shall possess the powers and be subject to the provisions of the fifteenth and eighteenth Chapters of the first Part of the Revised Statutes, so far as the same are applicable and have not been repealed.

CHAP. 202.

AN ACT in relation to the compensation of criers and sergeant-at-arms.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The criers of the supreme court, and the sergeant-at-arms of the court of chancery, instead of any other compensation shall receive for their services each two dollars for each day during his attendance upon the court, to be certified by the clerk of the court, and to be audited by the Comptroller, and paid on his warrant by the Treasurer out of the general fund. Criers of other courts shall receive one dollar and fifty cents for each day during their attendance upon the court, to be certified by the clerk of the court, and to be paid by the treasurer of the county or the chamberlain of the city in which such court shall be held, on the production of the certificate of the clerk, specifying the number of days such crier shall have attended.

Pay of criers
and ser-
geant-at
arms.

§ 2. The tenth section of an act entitled "An act concerning costs and fees in courts of law, and for other purposes," passed May 14, 1840, and the third section of the act passed May 25, 1841, entitled "An act to amend the act to reduce the expenses of foreclosing mortgages in the court of chancery," passed May 14, 1840, are hereby repealed.

Repeal.

CHAP. 203.

AN ACT in addition to an act entitled "An act to amend an act authorizing the corporation of the city of Troy to create a sinking fund," passed May 25, 1841, and for other purposes, passed March 24, 1842.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. That nothing in the act to which this is an addition, or in the act to which that is an amendment, shall be so construed as to prevent the commissioners of the sinking fund from using any money which has been or may hereafter be received by them in the purchase of the stock of this state, or from depositing the same in such one or more of the safety fund specie paying banks in the city of Troy as shall agree to pay an interest therefor at and after the rate of at least six per cent per annum, until such money can, in the opinion of the said com-

Money
where to be
deposited.

missioners, be advantageously used in the purchase of such bonds of the city of Troy as the said money is intended ultimately to pay, or until such bonds become due and payable.

CHAP. 204.

AN ACT to revive an act entitled "An act to incorporate the village of Oneida Castle," passed May 26, 1841.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

First election.

§ 1. The act entitled "An act to incorporate the village of Oneida Castle," passed May 26, 1841, is hereby revived, subject to the amendments hereinafter mentioned ; and the electors residing upon the territory by said act incorporated, may hold their first election for trustees of said corporation at such place within the bounds thereof, and at such time before the first day of July next, as shall be designated by any justice of the peace residing therein, by notice signed by such justice, and posted in six of the most public places in said village, at least two weeks before such election.

Name.

§ 2. The said charter is hereby amended, by striking out of that part of the twelfth section of the act entitled "An act to incorporate the village of Seneca Falls, in the county of Seneca," passed April 22, 1831, (which was referred to and made part of the act hereby revived,) relating to the qualification of voters, and inserting in lieu thereof as follows : "The inhabitants of said village entitled to vote at town meetings in said town."

General powers.

§ 3. Said corporation shall be vested with all the powers and privileges, and subject to all the limitations and restrictions, that they would have had, had the first election for trustees thereof been held on the last Monday of June, eighteen hundred and forty-one, according to the provisions of the second section of the act hereby revived.

Election.

§ 4. In case the electors of said village shall hereafter fail, for any cause, to hold their annual meeting for the election of their officers at the day appointed by law, the said corporation for that cause shall not become inoperative, but any justice of the peace residing in said village, or in case there be none residing in said village, then the former trustees shall, by a notice to be affixed in six of the most public places in said village, at least two weeks before such election is appointed to be held, appoint and specify the time and place where such election shall be held ; and such election, when held in pursuance

thereof, shall in all respects as valid as though the election had been held on the day appointed by law.

§ 5. This act shall take effect immediately.

CHAP. 205.

AN ACT to incorporate "*The Brooklyn Benevolent Association*" in the city of Brooklyn.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. James McFarlan, William S. Burnett, James Jordan, George W. Taggart, Frederick R. Hulbert, George W. Niles, S. Alphens Smith, P. L. Taylor, James W. Peck, John Hayward, William McDonald, Samuel Stillwell, Thomas D. Carman, Aaron Storer, S. F. Whiting, John C. Roach, and such other persons as are now associated, or who may hereafter associate with them for that purpose, are hereby constituted a body corporate, by the name or style of "*The Brooklyn Benevolent Association*."

Corporation created.

§ 2. The objects of the said association shall be benevolent, viz: the mutual relief of the members thereof, and of their families when in want or distress, or when by reason of sickness or otherwise, any of them shall require such relief, and the appropriation of moneys to defray the necessary funeral and incidental expenses, in case of the death of any member of the said association, or of his family.

Objects of the association.

§ 3. The said corporation shall have power to prescribe rules and regulations, not inconsistent with the laws of this state, for the admission of its members and their governments, the election of its officers and their duties, the expulsion of its members for a violation of its rules and regulations, and for the safe keeping of its property and funds, and shall be under the control of so many directors as shall be designated and fixed by the by-laws, rules and regulations of said corporation, who shall be elected annually, or oftener, at such time, by such persons, and in such manner as the said corporation in and by its by-laws shall appoint and direct.

Rules and regulations.

§ 4. The said corporation may hold and convey real and personal estate, to an amount not exceeding ten thousand dollars.

estate.

§ 5. The said corporation shall possess the general powers, and shall be subject to the general restrictions and liabilities, prescribed in the third Title of the eighteenth Chapter of the first Part of the Revised Statutes.

General powers.

Right to
repeal.

§ 6. The legislature may at any time modify, alter or repeal this act.

§ 7. This act shall take effect immediately.

CHAP. 206.

AN ACT to amend an act entitled "An act to incorporate the Blenheim Bridge Company," passed April 19, 1828.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Certain
shares may
be declared
void.

§ 1. The president, directors and company of the Blenheim Bridge Company, are authorized and empowered to declare void, the shares of such stockholders of said company as shall neglect or refuse, within thirty days after the passage of this act, to pay upon the share or shares of stock held by them respectively, their proportionate amount of the expenses incurred by said company in the rebuilding of said bridge.

§ 2. This act shall take effect immediately upon its passage

CHAP. 207.

AN ACT to confirm the official acts of commissioners of deeds in the city of Brooklyn, and prescribing the mode of their appointment.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Official acts
confirmed.

§ 1. All official acts of the several persons heretofore appointed as commissioners of deeds in and for the city of Brooklyn, as such commissioners of deeds, are hereby declared to be of the same force, validity and effect as if their appointment had been legal.

Liabilities
and forfeitures
remitted.

§ 2. All liabilities, penalties and forfeitures, incurred by the persons so appointed as such commissioners of deeds as aforesaid, or by any or either of them, for having exercised any of the duties and functions, or received any of the emoluments of the said office of commissioner of deeds are hereby remitted.

Idem.

§ 3. All liabilities, penalties and forfeitures, incurred by the clerk of the county of Kings, or by the clerk of any city or county of this state, for having recorded or certified the record of any conveyance, mortgage or other instrument in writing,

acknowledged or proved before such persons so appointed as commissioners of deeds, or any or either of them, or for cancelling any mortgage so acknowledged or proved, are hereby remitted.

§ 4. There shall hereafter be nominated by the Governor and appointed by him with the consent of the senate, in and for the city of Brooklyn, so many commissioners of deeds as shall from time to time be determined and limited in the manner hereinafter provided, and the persons so appointed shall hold their office for the same time and by the same tenure as commissioners of deeds appointed in and for other cities of this state, and shall be entitled to the same compensation for services performed as is now allowed to the commissioners of deeds in and for the city and county of New-York.

Commissioners to be appointed.

§ 5. The mayor and common council of the city of Brooklyn, shall, on or before the first day of January in the year one thousand eight hundred and forty-three, and at the end of every two years thereafter, by resolution of the board, determine and limit the number of commissioners of deeds to be appointed in and for said city; and after such determination and limitation shall be made, the provisions of the second, third and fourth sections of Title one, Chapter five, of the first Part of the Revised Statutes, shall apply to the city of Brooklyn.

Number how limited.

§ 6. This act shall take effect immediately.

CHAP. 208.

AN ACT *further to amend an act entitled "An act to incorporate the city of Rochester."*

Passed April 11, 1842, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

§ 1. The common council of the city of Rochester shall have power to execute to the people of the state of New-York bonds or writings obligatory, in such penalties as the Commissary-General shall require, conditioned for the safe keeping and return, on demand, of any arms belonging to this state, which may from time to time be loaned to the said common council, for the use of any uniform military companies in the said city.

Bonds may be given for arms loaned.

CHAP. 209.

AN ACT to annex a part of the town of Hammond, in the county of St. Lawrence, to the town of Macomb, in said county.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Part annexed to Macomb.

§ 1. From and after the passage of this act all that part of the town of Hammond, in the county of St. Lawrence, lying and situate on the southeast side of Black lake, shall be annexed to and form a part of the town of Macomb, in said county.

§ 2. This act shall take effect immediately.

CHAP. 210.

AN ACT to incorporate the Macedon Academy.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation created.

§ 1. Thomas C. Hance, Thomas Barnes, Philander Packard, Ira Odell, William C. Johnston, Evert Bogardus, Henry Tillon, John Johnston, James Cunningham, Israel Wolsey, Joshua Delong, John C. Marshall, John Van Vliet, Walter Johnson, Caleb Van Duzer, and such others as may be associated with them, are hereby constituted a body corporate, by the name of "The Macedon Academy," to be located at Macedon Centre, Wayne county, for the purpose of establishing, maintaining and conducting a seminary of learning, for the education of both sexes.

Stock.

§ 2. The capital stock of said corporation shall be divided into shares of twenty-five dollars each.

Affairs how managed.

§ 3. The estate, property and concerns of said corporation shall be managed by a board of fifteen trustees, and the persons named in the first section of this act, shall be the first trustees of said corporation, and shall be divided by lot into three classes; the term of service of the first class shall expire on the third Monday of October next, that of the second in one year from that time, and the third in two years from that time; and a majority of said trustees shall form a quorum to transact business.

Election.

§ 4. On the third Monday of October next, and on the third Monday of October of each succeeding year, there shall be an election of five trustees, who shall hold their office for three

years, and until others shall be appointed in their place. The election of trustees shall be by ballot, and no stockholder shall be allowed more than one vote.

§ 5. The capital stock of said corporation shall be deemed ^{Transfer-} personal estate, and transferable in such manner as the by-laws of said corporation shall provide.

§ 6. The said trustees shall receive subscriptions for shares ^{Subscription-} in said corporation. ^{tions.}

§ 7. The said trustees may choose their president, treasurer ^{Officers.} and secretary.

§ 8. The corporation hereby created shall be entitled to its distributive share of the literature fund, whenever it shall have ^{Literature} complied with the rules that govern the regents of the university ^{fund.} in granting charters to academies, and with the laws in relation to the distribution of that fund.

§ 9. The said corporation shall possess the power and be subject to the provisions of Chapters fifteenth and eighteenth of the first Part of the Revised Statutes, so far as the same are applicable and have not been repealed. ^{General} ^{powers.}

§ 10. This act shall take effect immediately.

CHAP. 211.

AN ACT to amend the act passed April 24, 1837, entitled
"An act to incorporate the village of Black-Rock," and the
 several acts amending the same.

Passed April 11, 1842, by a two-third vote.

*The People of the State of New-York, represented in Senate
 and Assembly, do enact as follows :*

TITLE I.

Of the boundaries and civil divisions of the village of Black-Rock.

§ 1. All that district of country in the town of Black-Rock ^{Boundaries.} and county of Erie, bounded northerly by the north line of the town of Black-Rock, easterly by the State Reservation line, or easterly line of the mile strip on the Niagara river ; south-erly by the northerly bounds of the city of Buffalo, and the line of the state ; westerly by the westerly bounds of the state, shall hereafter be known and distinguished by the name of "The village of Black-Rock," and the freeholders and inhabitants residing in said village are hereby constituted a body corporate by the name of "The village of Black-Rock."

§ 2. The said village shall be divided into three wards, as follows :

1. All that part of said village lying on the north side of the ^{First Ward.}

centre of Schajaquody's creek, and a line extended due west from the mouth of said creek to the westerly bounds of said village, except so much of Squaw Island as may lie within these bounds, but including the whole of the dam and the new ship lock, lying on the margin of said island, shall constitute the first ward.

Second
Ward.

2. All that part of said village, bounded northerly by the centre of Schajaquody's creek; easterly by the easterly line of said village; southerly by the centre of Commercial-street; and westerly by the westerly bounds of said village, together with the island known as Squaw Island, in the Niagara river, shall constitute the second ward.

Third
Ward.

3. All the remaining part of said village, lying southerly of the centre of Commercial-street, and of a line drawn through the centre of said street extended to intersect the easterly and westerly bounds of said village, shall constitute the third ward.

TITLE II.

Of the officers of the village, their election and appointment.

Officers.

§ 1. The officers of said village shall be a president, six trustees, one clerk, one treasurer, three assessors, three fire wardens, one collector, one or more police constables, one street commissioner, and as many measurers of cord wood, fuel, coal and grain, weighers of hay, pound masters and sextons, as the board of trustees shall from time to time direct.

Qualifica-
tions of offi-
cers.

§ 2. No person can be chosen president unless he be an elector, and resident of the village; and no person can be chosen trustee, assessor, or fire-warden, unless he be an elector, and a resident of the ward for which he shall be elected.

President,
&c. when
chosen.

§ 3. The president, collector, street commissioner, and one or more constables, shall be chosen by the electors of said village, at the same time and place, and in the same manner as the trustees and assessors. They shall hold their office for one year, until others are chosen in their places.

Trustees,
&c.

§ 4. Two trustees, one assessor, and one fire-warden, shall be chosen by the electors of each ward on the first Monday of June next, and on the first Monday of April, in each year thereafter. They shall hold their offices for one year, and until others are appointed in their places.

Clerk, treas-
urer, &c.

§ 5. The village clerk, treasurer, one or more measurers of wood, fuel and grain, one or more weighers of hay, one or more pound keepers, and one or more sextons, shall be appointed annually by the board of trustees and shall hold their offices during the pleasure of the board.

Appoint-
ments, when
made.

§ 6. The appointment of the officers in the fifth section of this title mentioned, shall be made within ten days after the board of trustees shall be organized, in each and every year.

First elec-

§ 7. The present trustees of the village of Black-Rock shall

appoint a suitable place in each ward of said village for the holding of the ward elections on the first Monday of June next. They shall also appoint two electors of each ward, who together with one of the trustees to be designated by said board, shall be inspectors of elections in their respective wards, of which appointment, and of the time and place of holding said elections, notices in writing shall be posted up in two public places in each ward, at least five days before the day of election.

tion by
wards, when
and how
held.

§ 8. The board of trustees shall, at least five days before any ward election, appoint a suitable place in each ward for the holding of such election, and shall at the same time choose from the electors actually resident in each ward of said village, two persons, who, together with one of the trustees of such ward, to be likewise designated by said board, shall be inspectors of such election. Notice of such election, and of the appointment of the inspectors thereof, shall be posted up in at least two public places in each ward, five days previous to every such election.

Future elec-
tions.

§ 9. The inspectors of elections so appointed shall meet at the time and place of holding ward elections, and shall organize themselves as a board in the manner prescribed in the fourth Title of the sixth Chapter of the first Part of the Revised Statutes. The trustee in each ward, designated as inspector, shall be chairman of such board. The board of inspectors shall appoint a clerk of the polls, who shall take the constitutional oath of office, to be administered by the chairman. The polls shall be kept open for one day only between the hours of nine o'clock, A. M. and three o'clock, P. M.

Duty of in-
spectors of
elections.

§ 10. At the first, and every subsequent election under this act, the board of trustees shall provide, at the expense of the village, a proper ballot box for each ward, provided with lock and key, and which shall be sealed at every adjournment of the election, in the manner provided by law, with respect to state elections.

Ballot boxes
to be provi-
ded.

§ 11. The electors shall vote by ballot, each ballot shall be endorsed "village officers," and shall contain the names of the persons designated by the electors for the offices of president, trustees, and assessors, collectors, street commissioner and constables. Every person entitled to vote for members of assembly in the town of Black-Rock, shall be entitled to vote in the ward in which he resides, for all or any of the officers to be chosen at such ward elections. All persons offering to vote at such elections, may be challenged, and the same proceedings shall be had thereupon as are prescribed by law in relation to state elections.

Electors to
vote by bal-
lot.

§ 12. Such election shall be conducted in the manner prescribed by law for the election of state officers, and the inspectors shall have the same authority in all respects as the inspectors of such elections for state officers. They shall proceed in

Elections
how to be
conducted.

like manner to canvass the votes given at such elections ; and shall draw up and sign duplicate statements of the votes so given, which they shall immediately deliver the clerk of the village, to be filed by him, and the other shall be preserved by the chairman of the board of inspectors of such ward.

Board of
canvassers are.

§ 13. The board of trustees shall be a board of canvassers of all ward elections, and for that purpose shall convene on the day after every such election, and from the statement of votes given in each ward, filed with the clerk, they shall proceed to canvass and estimate the said votes, and shall thereupon determine and certify what persons have been duly elected to each of the offices mentioned in such statement, which determination and certificate, attested by a majority of the trustees respectively, shall be filed with and recorded by the clerk of the village. The present board of trustees of the village of Black-Rock, shall be a board of canvassers for the first election under this act, and shall proceed in every respect as is prescribed in this section.

Persons
elected to be
notified.

§ 14. The persons so declared to be elected, shall be served with written notice of their elections within three days thereafter, and shall, after taking the oath of office prescribed by the constitution, enter upon the duties of their respective offices, upon the Monday thereafter.

Vacancies
how sup-
plied

§ 15. Whenever at any general ward election, any officer authorized by this act, shall not have been chosen, or whenever, from any cause, any vacancy shall occur in any of said offices, the board of trustees shall be authorized to appoint a special election, of which a like notice as is prescribed in section eighth of this title shall be given ; and the said special election shall be conducted in every respect as is herein provided for a general ward election.

Oath of of-
fice, when to
be taken and
bonds given.

§ 16. All persons elected or appointed to any office under or by virtue of this act, before they proceed to execute the duties of their respective offices, and within five days after notice of their election, shall respectively take and subscribe the oath required in the sixth article of the constitution of this state ; and the treasurer, collector, constables and street commissioner, shall respectively, before they take the oath, give security by bond and sureties to be approved by said board of trustees, for the faithful discharge of the duties of their respective offices, in such sums as the said trustees shall deem sufficient ; which said bond shall be filed with the clerk of said village.

Penalties for
refusing or
neglecting
to take oath.

§ 17. If any person chosen to any one of the following offices, shall refuse to serve, or shall neglect to subscribe the constitutional oath, and otherwise qualify according to the provisions of this act, he shall forfeit to the village of Black-Rock the following sums :

1. If chosen to the office of president, he shall forfeit twenty dollars by such refusal or neglect.

2. If chosen to the office of trustee or assessor, he shall forfeit, by such refusal or neglect, fifteen dollars.

3. If chosen or appointed to any other office in this act enumerated, he shall forfeit, by such refusal or neglect, ten dollars. And it shall be the duty of the clerk, at the expiration of eight days after service of notice upon any person elected or appointed to any office by authority of this act, to report to the board of trustees, the names of such persons as shall have filed with him the oath of office required by law, and also such as have refused or neglected to file the same, to the end that proper measures may be taken to fill vacancies, and also for the prosecution of such as have made themselves liable to the penalties in this section specified.

§ 18. Resignation by any officer authorized to be chosen or appointed by this act, shall be made to the board of trustees, and be subject to their approval and acceptance, and if not approved by them, the person so resigning shall be liable to the same penalty as is herein prescribed, for a refusal to serve in such office. Resignations.

TITLE III.

Of the board of trustees, its general powers and duties.

§ 1. The president and trustees of said village shall constitute the board of trustees. They shall meet on the second Monday of April, in each and every year, and at such other times, and at such places as they shall from time to time appoint; and on special occasions, whenever the president, or in his absence or inability to officiate, any two of the trustees, shall by written notice appoint. Board of trustees.

§ 2. The president when present shall preside at the meetings of the board of trustees; in his absence the trustees may appoint one of their number president pro tempore. Presiding officer.

§ 3. In the proceedings of the board of trustees, each member present shall have a vote, except the president, who shall only have a casting vote when there is a tie in the votes of the other members. Trustees, how to vote.

§ 4. A majority of the trustees elected shall constitute a quorum. The sittings of the board shall be public; and the minutes of their proceedings shall be kept by the clerk, and shall be open to the inspection of the public. The board shall have power to prescribe rules for their own proceedings. Quorum.

§ 5. No member of the board of trustees shall, during the time for which he was elected, be appointed to, or be competent to hold any other office created by this act. Trustees to hold no other office.

§ 6. The board of trustees shall have power to pass and enact such by-laws and ordinances for the good government and order and safety of the village, for the preservation of peace and the suppression of vice, and for the benefit of the trade and health thereof, as they shall judge expedient, not repugnant to By-laws and police regulations.

the general laws of the state, or of the United States; and for these purposes shall have authority,

1. To provide for the erection of buildings, for building aqueducts and reservoirs for water, and public sewers, for digging and constructing wells, cisterns and pumps for the use of said village, when money shall be raised for such purposes pursuant to this act; and to provide for the safe-keeping, and keeping in repair, all the property of the corporation.

2. To purchase fire engines, hooks, ladders, and other apparatus and implements for extinguishing fires for the use of said village.

3. To inspect, and cause to be inspected, fireplaces, chimneys, stoves, stovepipes, and all other places where fire may be used, and to cause the same to be put up and kept in safe condition, and to enter and cause others to enter houses and other buildings, for such purposes at all proper times.

4. To compel the inhabitants of said village to make scuttles in the roofs of the buildings occupied by them, to deposite their ashes in safe places, and to provide and keep fire buckets, which are hereby exempted from distress, seizure, or sale on execution. If such scuttles or buckets are furnished at the expense of any occupant, he may charge the same to the owner, unless by some agreement such occupant ought to pay for the same.

5. To organize fire companies, and hook and ladder companies, and to provide for their government and exercise. The number of members of each company shall not exceed twenty-five, and they shall be exempt from jury duty in courts of record. The trustees may remove said firemen, and appoint others in their steads.

6. To compel the inhabitants of said village to aid in the extinguishment of fires; and to prescribe the mode of operations.

7. To purchase hay scales, and regulate the manner and prices of weighing hay, and other commodities; and to appoint weigh-masters, who shall hold their offices during the pleasure of said trustees.

8. To prevent and remove obstructions in the streets, sidewalks, alleys, and public squares; and to provide for clearing off and cleaning the same, and to prevent injuries thereto.

9. To protect trees in said village.

10. To provide for lighting the streets, and to prevent improper and immoderate riding and driving therein.

11. To restrain the running at large, in said village, of cattle, horses, sheep, swine, and geese; and for this purpose, to establish and regulate one or more pounds.

12. To restrain the running at large of dogs, and to impose taxes on the owners thereof.

13. To prevent the firing of fire arms and fire works of every description, within the village, and the throwing burning coals, cinders or other ignited materials, into the streets thereof.

14. To regulate the keeping and transporting through the village of gunpowder and other combustible materials.

15. To restrain the running of locomotives through said village at immoderate speed.

16. To establish and regulate the markets, and restrain sales in the streets.

17. To prevent riots, noises, disturbances, and disorderly assemblages; and to regulate swimming or bathing in the waters in said village.

18. To fill vacancies that shall happen in any office from any cause whatever, by appointment under the hands of the president and clerk, and of the seal of the corporation, except in cases herein otherwise provided for.

19. To issue warrants under their hands, for the collection of taxes, to renew the same (any tax not having been collected,) and to direct the time within which the collector shall collect and pay over the same.

20. To prescribe and ordain suitable fines, penalties and forfeitures, for offences against such by-laws, rules, ordinances, and regulations, and the provisions of this act; not exceeding twenty dollars for any one offence, and to remit such fines, penalties and forfeitures, wholly or in part.

21. To make, ordain, alter, annul, or repeal all such by-laws, rules, regulations and ordinances, which may be necessary to carry into effect the intent and provisions of this act.

22. To exercise all other powers conferred on them by this act, in relation to highways, the levying taxes, the supplying the village with water, and other subjects of municipal regulation.

23. To prescribe the duties of all officers by them appointed, in all cases where the same are not prescribed by this act, or the general law of the state.

§ 7. No ordinance of the board of trustees imposing a penalty, shall take effect until after the expiration of ten days from the first publication thereof, in a newspaper printed in said village, or until after the expiration of ten days from the day on which it shall have been posted up in at least two public places in each ward of said village; a record or entry made by the clerk of said village, or a copy of such record or entry duly certified by him, shall be prima facie evidence of the time of such first publication or posting.

Ordinance takes
effect after
expiration of
ten days from
first publication
in newspaper
or posting in
two public places.

§ 8. All suits in behalf of said village shall be ordered and suits conducted by the trustees.

§ 9. All fines, penalties and forfeitures, incurred for any offence against any of the by-laws of said village, or against any of the provisions of this act, shall be sued for and recovered by the trustees in an action of debt, or other appropriate action,

Fines and
forfeitures,
when recovered.

with costs, in the name of said corporation, before any justice of the peace or court having jurisdiction thereof; in which action it shall be sufficient to declare, and plead generally, referring to the statute, by-law, rule, regulation or ordinance, for violation of which the action is brought, in the manner provided in Article one, Title six, Chapter eighth of the Revised Statutes, and under such declaration and pleading, to give the special matter in evidence. No inhabitant of said village shall, for that cause, be disqualified from being a justice, juror, witness, or constable in any such action; such fines, penalties and forfeitures, when collected, shall, within ten days thereafter, be paid to the treasurer of said village for the use thereof.

*Fry of clerk,
&c.*

§ 10. The board of trustees shall determine the compensation to be given to the clerk, treasurer and street commissioner of the village, and of any other officer appointed by them; they shall likewise fix the compensation of the collector of taxes for said village.

TITLE IV.

Of the officers of the village, their powers and duties.

*Duty of the
president.*

§ 1. It shall be the duty of the president of said village when present, to receive complaints of any breach of the by-laws; to preside at the meetings of the trustees, and he shall be entitled to a casting vote on all questions; to call special meetings of the trustees whenever he shall think proper; to see that the by-laws, rules, regulations and ordinances of the village, are faithfully enforced and executed; to prosecute in the name of said trustees, for all offences against the same; to keep the village seal, and affix it, together with his signature, to all such regulations as the trustees may adopt; and in case of the death, or removal, or inability of the president, it shall be the duty of the trustees to meet and give the notice in this act provided, for an election of another president, who shall hold his office until the next annual election.

*Justices of
the peace.*

§ 2. The president and trustees shall have all the powers of justices of the peace, for the purposes of preserving the public peace, by suppressing riots, dissolving unlawful assemblages, and directing the arrest of persons engaged in breaches of the peace, or about to commit any offence.

*Duty of
assessors.*

§ 3. The assessors elected in the different wards of the village, shall perform all the duties in relation to the assessment of property within the village, for village purposes, and shall proceed in like manner, and shall possess all the powers and authority, and be subject to the same duties as are prescribed by law respecting town assessors.

*Duty of the
clerk.*

§ 4. It shall be the duty of the clerk of said village, to keep the books and papers belonging to said corporation; to record in a book provided for that purpose, the proceedings of the inhabitants at their annual and special meetings; to attend the

meetings of the trustees; and record all their transactions; to notify officers of their election or appointment, as soon as may be after their election or appointment, and to perform such other duties as the trustees shall from time to time require of him. The trustees shall have power to remove a clerk and appoint another, and to appoint one pro tempore in case of his absence.

§ 5. The treasurer shall receive all moneys belonging to the village, and shall keep an account of all receipts and expenditures in such manner as the said trustees shall direct, and subject at all times to their inspection. No moneys shall be paid by the treasurer unless by vote of the trustees, and by an order signed by the president and countersigned by the clerk; which order shall specify for what purpose the amount specified therein is to be paid; the treasurer shall exhibit at every annual meeting of the inhabitants, a full account in writing of all the receipts and expenditures of the preceding year, and of the state of the treasury; which statement shall be filed in the office of the clerk.

Duty of the treasurer.

§ 6. The police constable of said village, shall have the same powers and rights, and be charged with the same duties and responsibilities as constables elected in towns; but he shall not have power to serve any process in civil suits out of the limits of said village, except in suits in which the trustees shall be a party.

Police constable.

§ 7. If any person having been an officer in said village, shall not, within ten days after notification and request, deliver to his successor in office, all the property and effects of every description in his possession, belonging to said village or appertaining to the office he held, he shall forfeit and pay one hundred dollars, besides all damages caused by his neglect and refusal so to deliver, to be recovered in the corporate name, for the use of said village, in any court having cognizance of such actions.

Penalty for not delivering property to successor in office.

TITLE V.

Of the assessment and collection of village taxes, and of the administration of funds belonging to the village.

§ 1. The board of trustees shall examine, settle and allow all accounts chargeable against the village, as well of its officers as of other persons, and shall at every annual meeting of the resident inhabitants of said village, through their president, recommend the raising of such sum or sums as they shall deem necessary to defray the general and contingent expenses of said village.

Accounts how to be settled.

§ 2. The resident inhabitants of said village, qualified to vote for trustees therein, shall meet annually on the first Monday of April, in each year, immediately after the polls in the several wards shall be closed, at some convenient place in the second ward, to be designated by the board of trustees; of which a

Money when and how to be raised by tax.

like notice as is prescribed in section eighth of title second, shall be given, and shall, thereupon, after hearing the report of the treasurer and the recommendation of the board of trustees, vote, order and determine what sum shall be raised, levied and collected from the inhabitants thereof, for the purpose of defraying the ordinary expenses of said corporation, and of paying the agents and officers appointed by them; a suitable compensation for their services, and for the purchase of any real or personal property for the use of the same; for the purchase of fire engines, hooks, ladders and all other apparatus for extinguishing fires; for keeping in repair any property of said village, and for all other village purposes generally specified in or contemplated by this act.

Notice to be given.

§ 3. The board of trustees shall give ten days' notice of any annual or special meeting of the inhabitants of said village, by causing a written or printed advertisement thereof, to be published in a newspaper printed in said village, or by posting up the same in at least two public places in each ward.

Meetings of inhabitants how conducted.

§ 4. At all annual or special meetings of the resident inhabitants of said village the president thereof shall preside, and in his absence, any one of the trustees to be chosen *viva voce* by the meeting. The board of trustees shall prescribe such rules and regulations for conducting the proceedings at the annual or special meetings as they from time to time may deem necessary for the carrying into effect the provisions of this act thereto relating.

Special meetings, when to be called.

§ 5. The trustees shall have power to call special meetings, which shall be called and conducted as annual meetings are, whenever they, or a majority of them shall deem fit; and the said inhabitants, qualified as aforesaid, are hereby authorized to make all orders, and perform all acts at such special meetings, which they are authorized by this act to make and perform at any annual meeting.

Amounts voted to be apportioned on wards.

§ 6. Upon any sum or sums being voted, at any annual or special meeting as aforesaid, the said board of trustees shall divide such sum or sums so voted, into three several amounts; apportioned according to the amount and value of the real and personal property in the respective wards, and shall direct each several amount separately to be assessed and raised in the respective ward to which it shall be so apportioned; and shall further make out a tax list, apportioning the same, and the percentage of the collector, which they are hereby authorized to add to the sum so to be raised and collected, among the several persons in each ward liable to taxation, both resident and non-resident, according to the value of their real and personal estate in said village. The valuation of taxable property, shall be made and assessed as far as possible, by the assessors, from the last assessment rolls of the town of Black-Rock; and in cases where the valuation of taxable property cannot be ascertained from said assessment roll, the said assessors shall assess

Assessments how to be made.

The property to be taxed from the best evidence in their power, giving notice to the persons interested, and proceeding in the same manner as the town assessors are required by law to proceed in the valuation of taxable property. A copy of such assessment roll shall be filed with the treasurer, and the trustees shall by warrant, under their hands and seals, authorize the collector to collect the said tax, and pay the amount to the treasurer, retaining in his hands such per cent for collecting as the board of trustees may have allowed; and the said collector shall proceed to collect the said tax, with like powers and authority as collectors of towns, and shall pay the same to the treasurer at the time directed in his warrant.

§ 7. All assessments for taxes upon real estate, shall be against the owners and occupants, and may be collected of either; and if paid by the occupant he may charge the same to the owner, unless by some agreement such occupant ought to pay the same, and in case any sum assessed upon any real estate cannot be collected in the manner aforesaid, it shall remain a debt against the owner or occupant, and may be sued for and recovered in the corporate name of said village, with the interest and costs, and when recovered shall be paid to the treasurer, together with the other moneys belonging to the corporation, subject to the order of the trustees. A certificate under the corporate seal, signed by the president and clerk, specifying the amount of tax, the lots of land upon which it was assessed, when the assessment was made, and the name of the person assessed, shall be evidence in any such case.

§ 8. Every assessment shall remain a lien on the premises described therein, for two years, and in case it is not paid, and no personal property can be found by the collector, out of which to satisfy and collect the same, by distress and sale, the premises may be sold at any time within two years, and after nine months from the filing of the assessment roll with the treasurer. Before any such sale, an order shall be made by the trustees, which shall be entered by the clerk at large, in the records of the village, directing the treasurer to sell, and describing the premises to be sold, and the assessment for which the sale is to be made, and a copy of such order shall be delivered to the treasurer. The treasurer shall then advertise the premises to be sold, for six weeks, in manner required in the case of sales under execution, and the sale shall be conducted in the same manner. The proceedings shall be discontinued at any time before sale, upon payment to the treasurer, by any person, of the amount of the assessment, interest, and expense of advertising. All sales in such cases, shall be made for the shortest period of time for which any person will take the premises, and pay the assessment, interest and expenses. The treasurer, on the day of sale, shall deliver to the purchaser a certificate of sale, containing a brief description of the premises, the amount of the tax or assessment, and the expense of advertisement and

Owners and occupants to be assessed.

Assessments to be a lien on lands.

Lands may be sold for taxes.

Right of
redemption.

sale, and the time for which such premises shall have been purchased, as also the time when the purchaser will be entitled to receive the lease hereinafter mentioned; a copy of such certificate of sale, he shall also file with the clerk of the village. The right of redemption, in all cases of such sales, shall exist to the owner and his creditors, in the same manner, and to the same extent, as is allowed by law, in cases of real estate, by virtue of an execution; and any person having such right of redemption, upon making the requisite proof, and paying to the treasurer the amount specified in said certificate of sale, and such additional amount as is hereinafter specified, shall be entitled to and vested with all the rights of the purchaser at such tax sale.

Purchaser
when entit-
led to lease.

§ 9. At the expiration of the time for the redemption of any premises sold for taxes, under any of the provisions of this act, the purchaser thereof, or his assigns, if the same shall not be redeemed, shall be entitled, under the restrictions hereinafter specified, to a lease of said premises for the term of time for which he purchased the same, said term to commence on the day of the date thereof; said lease shall be executed by the president of the village, under the seal of the corporation, and shall be presumptive evidence in all courts and places, of the legality of the sale, and of the proceedings thereto relating; and the lessee for the purpose of obtaining possession thereof, shall be entitled in addition to his other remedies, to the benefit of all the provisions of the law in relation to persons holding over demised premises, after the expiration of their terms, without the consent of their landlords; and such lessee, his heirs or assigns, at the expiration of his term, may remove any buildings or other erection, that may have been put upon said premises during said term.

In case of
improvements on
premises.

§ 10. In case any premises sold for taxes have buildings or other improvements thereon, no person shall be entitled to the lease in the last section mentioned, unless upon application to the board of trustees, he shall prove by affidavit to the satisfaction of said board, that he has complied with the following conditions and requisitions:

Notice to be
given to
legal owner
or mortgagee.

1. He shall have given at least thirty days' notice in writing, to the person or persons in whom the legal title to said premises shall appear to be, by serving said notice personally, if such person be a resident of the village or town of Black-Rock, or of the city of Buffalo; and by putting the same in the post-office directed to such person, if he resides elsewhere, and his residence can be ascertained. A like notice, served in like manner, shall be given to all persons who may appear to have incumbrances by mortgage upon said premises.

Contents of
notice.

2. Such notice shall state the fact of such premises having been sold for taxes; the amount for which sold, and the time at which such purchaser will be entitled to a lease.

§ 11. In addition to the amount to be paid to the purchaser of any premises sold for taxes, directed in section eight of this title, whenever such purchaser or his assigns, shall have given the notice in the last section mentioned, he shall be paid all expenses of searches necessary to ascertain the owner or mortgagee of said premises, and also one dollar for giving such notice ; said purchaser shall likewise be refunded the amount of any subsequent tax or assessment levied on the same premises which he may have actually paid.

TITLE VI.

Of streets, highways, and public improvements.

§ 1. The board of trustees shall be commissioners of highways for the said village, and are vested with and authorized to exercise and perform, within the bounds of the corporation, over all the public highways, streets, alleys, and public squares, the same rights, powers and duties, as are possessed and exercised by commissioners of highways in the several towns of this state ; together with such other rights, powers and duties as are herein specially granted and imposed, excepting from said jurisdiction the building and repairing of bridges within said village, which shall remain and continue to be the duty of the commissioners of highways of the town of Black-Rock.

§ 2. The board of trustees are authorized and empowered to lay out, alter, open or discontinue any highways, streets or alleys in any part of the corporation ; and for these purposes the said board shall be subject to the provisions of law, relating to the commissioners of highways in towns, except that upon the consent of the owners of the lands bounding upon any street proposed to be laid out or discontinued, which consent shall be expressed in writing, the said board of trustees shall be authorized to enter an order for the laying out or discontinuance of such street, highway or alley ; which order shall be as effectual for the purposes therein mentioned, as if entered pursuant to the provisions of the general statutes of the state, relating to the laying out and discontinuance of highways.

§ 3. All assessments of highway work to be paid in labor within the corporation are abolished ; and in lieu thereof, the board of trustees shall annually raise by tax such sum as they shall judge necessary to constitute a general fund for the repairs of highways, streets, alleys and public grounds belonging to said village ; which fund shall be denominated the street fund, and shall be provided for as follows :

1. Every male inhabitant within the bounds of the corporation, being of the age of twenty-one years, (excepting priests, paupers, and lunatics,) shall be assessed and liable to pay one dollar.

2. The board of trustees shall apportion and assess the residue of the amount of said street fund upon the estates real and

Expenses to be paid.

Highways.

Streets and highways may be laid out, altered, &c.

Highway tax.

Persons assessed.

Street fund how apportioned.

personal of the inhabitants of the village, and non-resident owners of property therein, as the same shall appear from the last assessment roll of the corporation. The assessment roll for the street fund shall be made out in the same manner as other assessment rolls; to which the trustees shall annex their warrant, and then deliver the same to the collector, who shall thereupon proceed to collect the several amounts therein mentioned, in the same manner as other taxes of the corporation, and shall pay within the time specified in the warrant, such moneys to the treasurer, who shall credit the amount to the street fund; keeping this account separate from all other accounts of the corporation.

Remedies. 3. The same remedies may be pursued for the collection of moneys directed by this section to be assessed, as are by this act provided for the collection of other taxes.

On petition. § 4. The board of trustees may, on the petition of a majority of the resident owners of real estate liable to taxation, for any local improvement under the provisions of this section, order the building of aqueducts and reservoirs for water, digging of wells, the construction of cisterns and pumps, the building and repairing of culverts and public sewers in said village, in the following manner:

Three assessors to be appointed. Having ascertained the probable cost of the improvement to be made, they shall choose and appoint three disinterested freeholders, inhabitants of said village, assessors for the purposes of this section. These assessors shall assess the sums so estimated, or the actual cost of the same, together with the fees of collection added thereto, upon the real estate which they shall deem to be benefited thereby, in proportion to the benefit derived therefrom, and shall make out a tax list apportioning such tax according to such assessment, and shall give three days' written notice, by conspicuously posting the same in said village, that such assessment roll and tax list are finished, and appointing a time and place for reviewing the same; and any person deeming himself aggrieved by such assessment, may within five days after such review, appeal to the trustees of said village, who shall appoint a day for examining the same, by hearing testimony and otherwise; for which purpose the said trustees, or either of them, may administer oaths, and their decision shall be final. A copy of such tax list shall be filed by the said assessors, with the treasurer of said village, and the trustees shall, by warrant, authorize the collection of said taxes in like manner as other taxes on real estate are collected.

Side walks, Public Squares, &c. § 5. The trustees of said village shall also have power to cause the sidewalks, streets, public squares, and highways, within the said village to be levelled, raised, gravelled, stoned, paved, flagged and repaired; and to compel the owners or occupants of any lands or lots adjoining such sidewalks, streets, squares, or highways to make such improvements upon the

sidewalks, streets, squares, and highways as aforesaid, in front of said land or lots, and to determine and prescribe the manner of doing the same, and the materials to be used therein, and the quality of such materials; and in case the owner or occupant of any such land or lots shall neglect or refuse to complete the said required improvements, within such reasonable time as shall be required by said trustees, the said trustees may cause such improvements to be made or completed; and the expense thereof may be by them assessed on such owners or occupants, so neglecting or refusing, and be collected by warrant to be issued by the trustees in the same manner as other taxes directed to be collected by this act.

§ 6. All work upon the highways, streets, alleys, or public grounds of said village, shall be done under the superintendence of the street commissioner, who shall at all times be subject to the direction of the trustees; and no account for street work shall be paid, until the same shall have been audited and settled by the board of trustees, and a warrant or order therefor drawn on the treasury in the usual form.

Highway
work under
whom to be
done.

TITLE VII.

Special provisions.

§ 1. The board of trustees of said village, shall have power and authority, for the purpose of procuring a supply of pure and wholesome water, for the use of the inhabitants of the first ward of said village, to borrow on the faith and credit of said first ward, such sum or sums of money, as said board of trustees shall deem necessary, not exceeding in the aggregate the sum of ten thousand dollars; said money to be borrowed on such time, not exceeding twenty, nor less than ten years, and at such rate of interest, not exceeding seven per cent per annum, as the said board of trustees may determine.

Loan to pro-
cure pure
and whole-
some water.

§ 2. The said board of trustees to secure the payment to the lender or lenders thereof, of such sum or sums as it may be necessary to borrow, for the purposes in the last section mentioned, shall have power and authority to execute one or more bonds under the corporate seal of said village, and the signature of the president thereof, conditional for the payment in ten annual instalments, from and after the first day of January, in the year eighteen hundred and fifty-two, of such sum or sums as shall be therein mentioned, (not exceeding in the aggregate ten thousand dollars,) together with the interest thereon, not exceeding seven per cent per annum; which said bonds shall also on their face, specify the object for which the money therein mentioned was borrowed, and that the property real and personal, in the first ward only, is liable for the payment thereof.

Security to
be given for
loan.

Bonds to be
a lien on
land.

§ 3. Such bond or bonds as it may be necessary for the board of trustees to execute and deliver, to secure the payment of the money borrowed, for the purpose of supplying said first ward with wholesome water, if drawn and executed in the form specified in the preceding section, shall be a lien upon all the real property in said ward; and for the payment of the principal thereof, as the yearly instalment thereon shall become due, said board of trustees, in case no other mode of payment be provided, shall levy and assess on such real and personal estate, an annual tax, sufficient for the payment of such instalments; and shall proceed to collect said tax in the same manner as is provided for the collection of other assessments by this act; and shall apply the proceeds of such tax to the payments of said instalments of principal.

Provisions
for the pay-
ment of in-
terest.

§ 4. To secure the prompt and regular payment of the interest which may accrue upon any bond or bonds executed under the authority of this act, by said board of trustees, it shall be the duty of said board, in making up the amount of the annual tax, for the general and ordinary village expenses to which said first ward may be liable, under the provisions of the sixth section of title five of this act, to add thereto, the amount of all interest moneys not otherwise provided for, which may be due, or grow due within the year on any such bond or bonds.

Meeting of
inhabitants
of first
ward.

§ 5. The inhabitants of the first ward, liable to be assessed for the purposes in this title mentioned, shall devise and decide upon such plan or method for obtaining a supply of water for said ward, as they shall deem most advisable, and to this end; it shall be the duty of the trustees resident in said ward, immediately after this act shall become a law, to call a public meeting of such inhabitants, by giving public notice of the time, place and object of such meeting; of which a like notice as is prescribed in section eighth of title second shall be given, and in order that their decision with reference thereto, may be regularly communicated to the board of trustees, a written memorandum of the proceedings of such meeting, shall be filed by said trustees with the clerk of the village.

Contracts
may be
made.

§ 6. For the purpose of carrying into effect any such plan or plans, as may be adopted by the inhabitants of said first ward, for procuring a supply of water in said ward, the board of trustees shall have power and authority to make and enter into any contract or contracts for the purchase of any lands, springs or streams of water, or for the purchase, construction or repairing of any buildings, machinery, pipes, reservoirs, aqueducts, and other proper conveniences, necessary for procuring and carrying the water to any part of said ward, and to do all other acts needful to effect the objects contemplated in any of the previous sections of this title.

§ 7. It shall be the duty of the board of trustees to appoint a proper person who shall be a resident of said ward, "to be water superintendent," to prescribe his duties, and fix his compensation, said board shall also enact such ordinances for regulating the use of the water, and for preserving the pipes, reservoirs, aqueducts, and other erections incident thereto, as shall from time to time appear necessary and proper to carry into effect the plans and wishes of the inhabitants of said ward.

Water superintendent.

§ 8. All sums of money, which shall be paid into the treasury of the corporation, under, or by authority of the provisions of this act, relating to the subject of procuring a supply of wholesome water for the use of the first ward, including the proceeds of all bonds, taxes, rents, fines, and penalties, shall be kept by the treasurer, in an account separate and distinct from all others, and shall be denominated "the water fund," which said fund shall also be liable for all expenditures necessary, or incident to the procuring and distributing said water.

The water fund account how to be kept.

TITLE VIII.

Miscellaneous provisions.

§ 1. The board of trustees of said village are authorized and empowered to take and hold, for the use and benefit of the inhabitants thereof, the title to such public grounds, as were originally laid out and reserved for public squares in said village, which said grounds are known as blocks numbers eighty-eight, one hundred and twenty-seven, one hundred and twenty-eight, and one hundred and thirty, in the south village of Black-Rock, as the same are laid down on a map or survey of said village, on file in the office of the Secretary of State, of the state of New-York, said grounds to be holden and used for such purposes only, as were intended in their original reservation.

Trustees to hold public grounds.

§ 2. The said corporation may take, hold, purchase, and convey such other real and personal estate as the purposes of the corporation may require, but no purchase or conveyance of real estate shall be made unless authorized by vote of the taxable inhabitants of said village, at an annual or special meeting.

They may take, hold and convey other lands.

§ 3. The said trustees may grant licenses for selling strong and spiritous liquors in quantities less than five gallons, and for keeping inns and taverns in said village, in the same manner as the commissioners of excise of the town of Black-Rock are empowered by law to do, and the powers and duties by law vested in the commissioners of excise in said town shall be and hereby are transferred to and vested in the trustees of said village, so far as the same shall extend to said village; and the said powers and duties shall be exercised by the said trustees in the manner provided for such commissioners, except that the bonds taken of such persons duly licensed, instead of being executed to the people of this state, shall be executed to the corporation. All excise duties taken by the trustees pursuant

Power to grant licenses.

to this section, shall be paid into the treasury of the county of Erie.

General
powers.

§ 4. Said corporation shall enjoy the privileges and be subject to the restrictions and liabilities contained in the third Title of Chapter eighteen of the first Part of the Revised Statutes, so far as they may be applicable to such corporation.

Right to
repeal.

§ 5. This act shall take effect immediately and the legislature may at any time hereafter alter, modify or repeal the same.

Repeal.

§ 6. The act passed April 24th, 1837, incorporating the village of Black-Rock, and the several acts amending the same, are hereby repealed, but such repeal shall not invalidate or affect any act done or right accrued or established under or by authority of the said acts, so repealed.

CHAP. 212.

AN ACT for the relief of Ebenezer Rice, for an infringement of his patent for hydraulic wooden tubing, by the superintendent of the Onondaga salt springs.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Commis-
sioners to
hear and
determine.

§ 1. Daniel Moseley, Freeborn G. Jewett and Daniel Gott are hereby appointed commissioners to hear and determine the matter in controversy between Ebenezer Rice and Thomas Spencer, superintendent of Onondaga salt springs, in relation to an alleged infringement of a patent of the said Ebenezer Rice, for hydraulic wooden tubing.

To take an
oath.

§ 2. The said commissioners shall, within ninety days after the passage of this act, take and severally subscribe an oath or affirmation before the first judge of the said county of Onondaga, that they will honestly and impartially hear and determine the matter in controversy between the said Ebenezer Rice and the said Thomas Spencer, in relation to the infringement of the patent of said Ebenezer Rice, for "hydraulic wooden tubing," and a true decision thereupon make according to evidence; which said oath or affirmation shall be filed by the said judge in the office of the clerk of said county.

To serve
notice on
parties.

§ 3. The said commissioners shall, after the taking and subscribing such oath or affirmation, serve a written notice on each of said parties, of the time when they will meet to hear and determine the said matter in controversy, which time shall not be more than twenty nor less than twelve days from the time of the service of such notice; and the said notice shall also specify the place of such meeting, which shall be in the town of Salina, in said county.

§ 4. The said commissioners shall meet, at the time and place mentioned in the notice to be given by the last preceding section, and shall enter upon the hearing of such controversy, and they shall continue the same from day to day, without unnecessary adjournments, until the final determination thereof; and the said commissioners, after the service of such notice of hearing, shall, at the request of either party, under their hands and seals, issue subpoenas for all such witnesses as the said parties, or either of them shall desire; and the subpoenas so issued shall have the same force and effect, and the disobedience thereof shall be subject to the same penalties, as subpoenas in courts of record. When and where to meet.

§ 5. All witnesses who shall be duly subpoenaed and shall attend such hearing, shall be allowed the same fees, and shall be paid in like manner, and shall also be subject to the same penalties for false swearing in any matter material to said controversy as witnesses in courts of record. Fees of witnesses.

§ 6. The said commissioners shall swear and examine all witnesses produced by the said parties, or either of them, on such hearing relating to said controversy, and shall receive all such testimony as shall be offered by the said parties, or either of them, material thereto; and if, from the evidence, the said commissioners shall be satisfied that the said Thomas Spencer has infringed upon the said patent of the said Ebenezer Rice, by using the said tubing in the salt wells belonging to this state, then the said commissioners shall decide what sum, if any, the said Ebenezer Rice shall be justly and equitably entitled to for the former use of said tubing said wells, and for the future use thereof in all the salt wells in this state, and shall reduce such decision to writing under their hands and seals, and shall deliver the same to the superintendent of Onondaga salt springs. Decision when to be made.

§ 7. It shall be the duty of the said superintendent of Onondaga salt springs to attend the said hearing before the said commissioners on the part of the state, to employ competent counsel thereon, and to produce such witnesses to be sworn and examined on such hearing as he shall be advised by said counsel are material. Duty of superintendent.

§ 8. The said superintendent shall be allowed, in his accounts with the state, all such reasonable expenses as he shall incur in employing said counsel, and in procuring the attendance of such witnesses on said hearing; and the said commissioners shall be allowed the sum of three dollars each for every day necessarily employed in the discharge of their duties under this act, to be paid by said superintendent out of any money in his hands belonging to this state. Expenses to be allowed.

§ 9. The sum, if any, which shall be decided by the said commissioners to be due as aforesaid, to the said Ebenezer Rice, shall be paid by the said superintendent to the said Ebenezer Rice, or to his personal representatives, out of any mo- Amount awarded to E. Rice to be paid.

neys in his hands belonging to this state; provided, however, that such last mentioned payment, or any part thereof, shall not be made until the said Ebenezer Rice, shall release to this state the right of making and using the said tubing in all its salt wells, and all claims for damages against any and all persons who may have heretofore used said tubing for or on account of this state, and until the said Ebenezer Rice shall discontinue all suits brought by him against the said Thomas Spencer, for an infringement of said patent.

§ 10. This act shall take effect immediately.

CHAP. 213.

AN ACT to authorize the supervisors of the county of Jefferson to levy a tax upon the town of Rodman, for the support of bridges.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Money to be
raised by
tax.

§ 1. The supervisors of the county of Jefferson are hereby authorized to cause to be levied and collected, in the manner now prescribed by law for the collection of taxes in the town of Rodman, in said county, the sum of five hundred dollars, in addition to the sum now authorized by law, for the building and repairing of bridges in said town.

§ 2. This act shall take effect immediately.

CHAP. 214.

AN ACT to amend the Revised Statutes in relation to the duties of the superintendents of the poor in the several counties in this state.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Report,
when and
how to be
made.

§ 1. In addition to the reports which the superintendents of the poor in the several counties in this state are now required by law to make, it shall be their duty, in the month of December in each year, to report to the Secretary of State, in such form as he shall direct, the name, age, sex and native country, of every pauper who shall have been relieved or supported by them during the year preceding the day on which such report shall be made, together with, a statement of the causes either direct or indirect, which have operated to render such person a

pauper, so far as the same can be ascertained, together with such other items of information in respect to the character and condition of such paupers, as the Secretary of State shall direct.

§ 2. The same penalty for the neglect of any superintendent of the poor to comply with the provisions of this act, as are prescribed in section seventy-eight, Title one, Part one, Chapter twenty of the Revised Statutes, shall be imposed on such superintendent for such neglect. Penalty for neglect.

§ 3. The Secretary of State shall cause this act to be published, together with such forms and instructions for its execution as he shall deem necessary, and cause the same to be distributed to the superintendents of the poor of the several counties in this state, the expense of which shall be paid by the Treasurer on the warrant of the Comptroller; and the Secretary of State shall annually report to the legislature the results of the information obtained in pursuance of this act. This act to be published with forms.

CHAP. 215.

AN ACT *in relation to burying grounds.*

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall not be lawful for any church or religious corporation to mortgage any burying ground used for the interment of human remains, for the use of which they shall have received compensation, without the previous consent in writing of three-fourths in number of the congregation or society of such church or corporation; which consent shall be proved or acknowledged, in the same manner as deeds are now required by law to be proved or acknowledged, and shall thereupon be recorded in the office of the register of the city, or clerk of the county, in which such burying ground is situated. Provisions concerning mortgages.

§ 2. It shall not be lawful for any person or persons to remove any dead body or human remains from any burying ground, for the interment of which compensation shall have been received by any church or religious corporation, or by any officer or officers thereof, and which shall have been used for that purpose during the last three years, with the intent to convert the said burying ground to any other purpose, without having first obtained the consent in writing of three-fourths in number of the congregation or society of such church or corporation; and which consent shall be proved or acknowledged and recorded in the manner prescribed by the first section of this act, before any such removal shall be commenced or attempted. Relative to removing human remains.

Penalty.

§ 3. Any person offending against any of the provisions of the second section of this act shall, upon conviction, be adjudged guilty of a misdemeanor; and shall be punished by imprisonment in a county jail, not exceeding six months, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment, in the discretion of the court.

§ 4. This act shall take effect immediately.

CHAP. 216.

AN ACT to amend the act entitled "An act to incorporate the Middletown and Delhi Turnpike company."

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Three commissioners to be appointed.

§ 1. The supervisors of the the towns of Middletown, Andes, Bovina, Delhi and Meredith, are authorized and required to assemble and appoint three commissioners, to be denominated "The Commissioners of the Middletown and Delhi Turnpike Company," and from time to time to fill any vacancy that may happen in such commission.

Supervisors when to assemble.

§ 2. The said supervisors shall assemble for that purpose as soon as may be, after the passing of this act, at such time and place, within either of the said towns, as the clerk of the county of Delaware shall appoint, and when assembled, any three of whom may form a quorum, they shall appoint a chairman, and one of their number for clerk. They may adjourn from time to time, and may be called together at a special meeting, by notice from the chairman or clerk.

Powers of commissioners

§ 3. The said commissioners, when duly sworn as other county officers, shall have full power to survey and lay out the said turnpike road, from the termination of the Kingston and Middletown turnpike, on the top of Pine Hill, on the most eligible and practicable route, to the village of Delhi.

To receive subscriptions.

§ 4. The commissioners shall have full power to receive and collect subscriptions for the stock of said road, and to construct the same. And whenever any subscriber shall have paid them his subscription to the amount of one or more shares, they may issue to him a certificate of stock for the same.

Stockholders may pay by work.

§ 5. All the inhabitants being stockholders, and residing on said road, may be allowed to work out their regular assessments on the highways, in repairs of said road, as the said company may direct.

Pay of commissioners.

§ 6. The board of supervisors shall audit and allow to the said commissioners a reasonable compensation for their services and necessary disbursements, to be charged upon the whole county, or upon the said towns of Middletown, Andes, Bovina,

Delhi and Meredith, in such proportions as the said board may deem just, but the said company, when it shall have become fully formed and constituted, shall pay all such expenses thereafter to be incurred.

§ 7. The commissioners to be appointed by virtue of this act will supersede the necessity of the appointment of commissioners by the Governor to lay out the said road. Governor to appoint others.

§ 2. This act shall take effect immediately.

CHAP. 217.

AN ACT to incorporate the Atlantic Mutual Insurance Company in the city of New-York.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. There shall be established in the city of New-York, an insurance company, which shall be a body politic and corporate, to be called the "Atlantic Mutual Insurance Company," of which Walter R. Jones, Josiah L. Hale, George Griswold, Jonathan Goodhue, Thomas Tileston, Henry Coit, E. D. Hurlbut, Joseph W. Alsop, junior, Lowell Holbrook, William C. Pickersgill, Meyer Gans, John C. Green, Samuel T. Jones, Augustin Averill, William S. Wetmore, Edwin Bartlett, Leonardo S. Suarez, P. A. Hargous, Solomon T. Nicoll, Daniel S. Miller and William F. Havemeyer, junior, and such persons as they shall associate with themselves as trustees under this act, not less than thirty-two in all, shall be the first trustees. Corporation created.

§ 2. In addition to the general powers and privileges of a corporation, as the same are declared by the third Title of the eighteenth Chapter of the first Part of the Revised Statutes, the corporation hereby created shall have power by instruments under seal or otherwise : General and special powers.

1. To make insurance upon vessels, freights, goods, wares, merchandise, specie, bullion, jewels, profits, commissions, bank notes, bills of exchange, and other evidences of debt, bottomry and respondentia interests, and to make all and every insurance connected with marine risks, and risks of transportation and navigation.

2. To make insurances on dwellings, houses, stores, and all kinds of buildings, and upon household furniture, merchandise, and other property against loss or damage by fire.

3. To make insurance on lives.

4. To cause themselves to be re-insured, when deemed expedient, against any risk or risks upon which they have made or may make insurance.

Corporate
powers, how
to be exer-
cised.

§ 3. All the corporate powers of the said company shall be exercised by a board of trustees, and such officers, clerks and agents and other persons as said trustees may appoint from time to time. Trustees shall be elected as hereinafter mentioned. It shall be their duty on organizing the company, to choose a president and vice-president, to act until the second Tuesday of February after the period for making the first dividend statement required by this act, and annually on the second Tuesday of February thereafter, who shall also be ex-officio trustees, and are to have equal power with the other trustees in voting on all questions, and in determining all matters relating to the company.

Tenure of
office.

§ 4. The trustees, president and vice-president, shall hold their respective offices for the periods herein named, and until others are chosen in their stead ; the secretary, clerks, agents and other persons, during the pleasure of the trustees.

Quorum.

§ 5. The board of trustees shall have power by by-laws to declare from time to time what number of trustees less than a majority shall be a quorum for the transaction of business, but such quorum shall not be less than eleven of said trustees, and also to make such other by-laws as may be deemed necessary for the government of the officers and the conduct of their affairs.

Vacancies.

§ 6. Vacancies happening in the board of trustees, or in the number of inspectors or officers, by death, resignation, or continued absence from the United States, exceeding twelve months, may be filled for the remainder of the term by the board of trustees.

Applications
for insur-
ances, how
received.

§ 7. It shall be the duty of the eight trustees first named in the first section of this act, or the duty of a majority of them, within two years after the passage of this act, to open a book to receive applications for insurances ; and after receiving applications for insurance to be approved by them, amounting to five hundred thousand dollars, the book may be closed, and the company may be organized. It shall also be the duty of the said eight trustees, or the duty of a majority of them, to appoint three inspectors of the first election.

Trustees to
be divided
into four
classes.

§ 8. The board of trustees shall divide themselves into four classes ; the term of the first class shall expire on the second Tuesday in the month of February after the period for making the first dividend statement required by this act, or as soon thereafter as others are elected in their stead ; the term of the following classes shall expire successively on the second Tuesday in February of the following years, or as soon thereafter as others are elected in their stead. Nothing herein contained shall prevent the re-election of a trustee.

Notices of
election.

§ 9. Notices of annual elections for trustees, to hold for four years, and until others are elected, and for three inspectors of the next election, are to be given in one or more of the public

city papers, by an officer of the company, one week prior to each annual election, to be held at such time and place as may be designated by the board of trustees, or by the president and vice-president in case of the omission of the trustees to designate the same.

§ 10. At every election for trustees, when the certificates ^{Voters.} authorized to be issued under this act, as hereinafter mentioned, do not amount to fifty thousand dollars over and above the reductions thereon, each person having in his possession and producing at the poll, a policy or policies of insurance, not marked off, made by the company between the first day of April and the thirty-first day of December of the year next preceding the election, directly in his own name or in the name of a firm of which he is a partner, the premiums on which shall amount to one hundred dollars, shall be entitled to a vote; and in case the premiums on such policy or policies shall have exceeded one hundred dollars, such person shall be entitled to an additional vote for each one hundred dollars of such excess.

§ 11. Each person having in possession, and producing at ^{th.} the poll, a certificate or certificates of earnings, amounting to one hundred dollars, issued by the company in his own name, or in the name of a firm of which he is a partner, which certificate of earnings shall not have been discharged by payments, nor cancelled by losses and expenses, shall be entitled to a vote; and in case the certificate or certificates of earnings so produced shall exceed one hundred dollars, the holder thereof shall be entitled to an additional vote for each one hundred dollars of such excess. Persons may vote by proxy, if the proxy is accompanied by the before mentioned evidence of the right so to vote. One person only shall be allowed to vote at the same election on the same documents. And in case of a failure to elect, from the number of votes being equal, a new election is to be held to fill the undetermined places.

§ 12. The company, for the better security of its dealers, may receive notes for premiums in advance, of persons intending to receive its policies, and may negotiate such notes for the purpose of paying claims or otherwise, in the course of its business; and on such portions of said notes as may exceed the amount of premiums paid by the respective signers thereof, at the successive periods when the company shall make up its annual statement as hereinafter provided for, and on new notes taken in advance thereafter, a compensation to the signers thereof, at a rate to be determined by the trustees, but not exceeding five per cent per annum, may be allowed and paid from time to time. ^{Notes for premiums may be received in advance.}

§ 13. No separate dividend statement shall be required for the part of a year following the day on which the company shall have issued and dated its first policy; but after that period an annual dividend statement shall be made, which shall contain a fair estimate of the nett profits of the company not be- ^{Dividend statements.}

fore divided, up to and including the last day of December of each year, taking into view the probable amount to be paid on all claims and demands which have been or may be made against the company, and allowing for any previous deficiencies. Such annual statement shall be completed in the month of January succeeding the period to which it relates, and after ascertaining in this mode the nett profits of each period on risks marked off, the board of trustees may declare a dividend, and the officers of the company may issue certificates of a certain per centum on the premiums received for such marked off risks, to the persons in whose names the policies of insurance were originally made, or to their representatives; which certificates may be issued as is hereinafter provided for; and the amounts named in such certificates shall be conclusive on the parties entitled to receive them at such periods, and not to be changed by subsequent events, showing the actual payments to be more or less favorable than the estimates; and the said certificates shall be transferable only on the books of the company, under regulations to be prescribed by the by-laws, and shall contain a proviso, declaring the same to be subject to any future losses and expenses of the company until the same are redeemed, as is hereinafter provided for, and subject to be reduced by the board of trustees, in case of losses and expenses in any subsequent year, exceeding the estimated profits of such year.

Certificates.

§ 14. No original certificate shall be issued for a less sum than ten dollars, nor for the fractional sums between even tens of dollars: all such sums are to be passed to the contingent account of the company.

In case of indebtedness.

§ 15. In case any person or persons entitled to a certificate, shall be indebted to the company for sums passed due and unpaid, the company may withhold the certificate and deduct such sum or sums from the amount thereof, or reduce or cancel the same; but persons insuring or entitled to certificates, shall not be answerable by reason thereof, or of any thing contained herein, except for the payment of their premium, or other notes given in advance for premiums.

Funds how to be invested.

§ 16. It shall be lawful for said company to invest their funds, or any part thereof, in bonds and mortgages on unincumbered real estate within the state of New-York, worth fifty per cent more than the sum loaned thereon, and also in all or any stocks created by or under the laws of this state, or of the United States; and to lend the same, or any part thereof, on the security of such stocks, and on bottomry and respondentia, or otherwise, and to change and to reinvest the same: and it shall be lawful for said company, from time to time, to divide such part of the accruing interest as they may deem equitable, not exceeding six per cent per annum, to and among holders of such certificates; or in case of losses, to declare a pro rata deduction of the amount of the outstanding certificates. Original certificates may be called in by the company and new

ones issued in their stead, less the proper reduction. All certificates and interest in the company shall be deemed personal property.

§ 17. On the thirty-first day of December of the second year after the day on which the first policy of the company shall have been issued and bears date, or within one month thereafter, and on the thirty-first day of December, or within one month thereafter of every subsequent year, the company shall cause to be made a general balance statement of their affairs to the end of such year, which shall be published immediately thereafter, in the state paper and in one daily newspaper in the city of New-York, containing:

1. The amount of premiums received during the first part of a year and the second year united, and each successive year, specifying what amount was received on policies on fire risks, and what amount was received on policies on marine risks, and what amount received on policies on life risks;

2. The amount of losses paid during the year, specifying the amount paid on policies on fire risks, and the amount paid on policies on marine and inland transportation risks, and the amount paid on policies on life risks;

3. The balance remaining with the company;

4. The nature of the security on which investments have been made, stating the amount invested in bonds and mortgages, and the amount invested in other securities, and the amount of premium notes and cash on hand: a copy of which statement shall be kept ready for the examination of the members.

§ 18. The per centage of profits accruing on the business of the company, and the dividends which may be declared on the investments, are to be published for one week after each is declared in two of the public daily papers within this state.

§ 19. It shall be lawful and competent for the said company to receive from the Atlantic Insurance Company of New-York, and from any of the stockholders therein, such parts of the stock fund and assets of the latter company as may be mutually determined on to the extent of one-half thereof, and upon such terms and for such periods as may be agreed on, and to allow legal interest thereon; and after each dividend statement required hereby, to apportion and pay the profits thereon, or deduct losses therefrom, pro rata upon the amounts thus received and the premiums subsequently earned, until the amounts of such stock funds and assets shall be refunded or exhausted in losses.

§ 20. Whenever the accumulation of the nett profits of the company shall exceed five hundred thousand dollars, the excess may be applied, from year to year, or semi-annually thereafter, towards the redemption of each year's certificates, in whole or in part, as may be determined on by the board of trustees, but the certificates of a subsequent year are not to be redeemed

until those of the preceding are provided for; and when such accumulation shall exceed ten hundred thousand dollars, it shall be the duty of the trustees to apply such latter excess towards the redemption of certificates in whole or in part in the manner above specified.

Suits.

§ 21. Suits at law or in equity, may be prosecuted and maintained by any member against said corporation; but no member of the corporation not being in his individual capacity a party to such suit, shall be incompetent as a witness.

Sections of
R. S. not
applicable.

§ 22. The sections of the Revised Statutes, from nineteen to twenty-five, both inclusive, of the first Article of the second Title of the eighteenth Chapter of the first Part, shall not be applicable to the corporation hereby created.

Business
where car-
ried on.

§ 23. The operations and business of this corporation shall be carried on at such place in the city of New-York as the trustees shall direct, and not elsewhere.

Right to
repeal.

§ 24. The legislature shall have power at any time hereafter to repeal, alter, or modify this act, or any of its provisions.

Duration of
act.

§ 25. This act shall take effect immediately after its passage, and continue in force thirty years, and no longer, unless authorized by the legislature of this state.

CHAP. 218.

AN ACT respecting the collection of taxes in the city and county of New-York.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Duty of as-
sessors.

§ 1. The assessors annually chosen in each ward of the city of New-York shall, on or before the 5th day of June next after being chosen, proceed to assess the property in their respective wards, according to law, and shall complete their assessment according to law, on or before the fifteenth day of August next following, and make out one fair copy thereof, to be left with one of their number, on or before the twentieth day of August next following, and shall thereupon, according to law, give notice of having completed such assessment, and that a copy thereof is left with one of such assessors, (naming him,) where the same may be seen and examined by any of the inhabitants, from the said twentieth day of August to the tenth day of September following, both inclusive; that they will meet at the expiration of the said tenth day of September, at a place in the said notice to be specified, to review their assessment, on the application of any person concerning

himself aggrieved ; and such proceedings shall thereupon take place as is by law provided. And such assessors shall sign the said assessment roll and deliver the same, on or before the twentieth day of September next ensuing, to the comptroller of the said city, who shall deliver the same to the supervisors of the said city, at their next meeting : and that for any neglect, omission or refusal to perform the requirements of this section, the parties offending shall be liable to the penalties mentioned in the eleventh section of the act of April twenty-third, eighteen hundred and twenty-three, entitled " An act for the assessment and collection of taxes."

§ 2. The first section of the act entitled " An act authorizing a per centage to be added to unpaid taxes in the city of New-York," passed April thirteen, one thousand eight hundred and thirty-five, is hereby amended so that the said section shall read as follows :—Whenever any tax of any description on the estates, real or personal, of the freeholders and inhabitants of and situated in the city of New-York, shall remain unpaid on the first day of February next ensuing the time prescribed by law for the delivery of the assessment roll to the collectors in the said city, it shall be lawful for the collectors whose duty it may be to collect such tax, to charge, receive and collect, in addition to the amount of such tax, one per cent on the amount thereof, and to charge, receive and collect upon such tax so remaining unpaid on the last day of each month between the month of November and the time prescribed by law for the collectors in the said city to make their returns to the chamberlain or treasurer thereof, a further addition or increase of one per cent upon the amount of such tax ; and such increase or per centage shall be paid over and accounted for by such collector as a part of the tax collected by him.

Amendment
of act of
1835.

§ 3. The act entitled " An act to amend the acts respecting the collection of taxes in the city of New-York," passed April three, one thousand eight hundred and thirty-nine, is hereby repealed.

Repeal.

§ 4. Any person who may be desirous of paying his tax or taxes, previous to the first of February, shall, on paying the amount thereof to the comptroller of the city of New-York, be allowed a deduction therefrom at the rate of six per cent per annum.

Education

CHAP. 219.

AN ACT to incorporate the village of Jefferson.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Boundaries.

§ 1. All that part of the town of Dix in Chemung county, and Reading, in Steuben county, contained within the following bounds, to wit : beginning at a stake and stones on the west shore of Seneca lake, one hundred and seventy-five rods north of the line dividing said counties, from thence due west eighty rods, from thence due south one mile and a half, from thence due east to a line running parallel with the west boundary line, and through the point where the counties of Tompkins and Steuben corner on the north boundary line of Chemung county, from thence due north to the lake, and from thence in a direct line across the south west corner of the said lake to the place of beginning, shall hereafter be known and distinguished by the name of the village of Jefferson ; and the freeholders and inhabitants residing in said village are hereby constituted a body corporate, by the name of the trustees of the village of Jefferson.

First election of officers.

§ 2. By virtue of such incorporation, the inhabitants of said village entitled to vote for members of the legislative assembly, shall, on the third Monday of June next, meet together and elect by ballot five trustees, three assessors, one treasurer, one collector, one clerk, and one constable ; all of whom shall be inhabitants of said village, and qualified voters as above stated.

Notice of election to be given.

§ 3. It shall be the duty of the justice, or justices of the peace, resident in said village, at least five days previous to the time above stated for holding said election, to publish due notice in writing thereof, and of the place of holding the same by posting such notice up in at least three public places in said village. And it shall be the further duty of said justice or justices to preside at said election as inspectors thereof ; to canvass the votes given in, and make due declaration and return of all the respective candidates voted for at said election ; and to give notice to all the officers respectively who shall be there chosen, within three days after said election.

Future elections.

§ 4. And at all future elections of the aforesaid village officers, which shall take place annually in said village on the third Monday of June in each year, it shall be the duty of the clerk of said village to give the previous notice above mentioned, both of the time and place of holding the same. And at all such elections, it shall be the duty of the president, and

if practicable, a majority of said board of trustees to preside, and to receive and canvass the votes, and make due returns of the result of said elections. And on all such occasions, it shall be the duty of the clerk of said village to give notice as above mentioned to all the officers respectively who shall be chosen at such annual elections.

§ 5. Any officer who may be chosen at any election, either Penalty. to fill vacancies, or at annual elections as above mentioned, excepting the treasurer and collector, and who shall refuse to take upon himself the duties of said office, shall forfeit the sum of five dollars with costs of suit, to be applied to the use of the corporation.

§ 6. It shall be the duty of the trustees as soon after the said President. annual election as may be, to convene and choose from the said five trustees, a president, who shall preside over their deliberations, and put all questions before the board for decision, and give a casting vote in all cases of a tie in said board. And in the absence of said presiding officer, one shall be chosen pro tempore to fill the vacancy.

§ 7. The trustees shall have power to call special meetings Special meetings. of the inhabitants of said village; which meetings shall be called and conducted as in cases of annual meetings, either for the purpose of electing officers to fill vacancies, or for such other purposes as said trustees may deem expedient. And it is also further provided, that such calls for special meetings shall at all times be made by said trustees upon the application of any ten inhabitants, voters as aforesaid, five of whom shall be freeholders, and stating in writing the object of such call.

§ 8. Whenever a draft shall be made on the funds of said corporation, the president, with the concurrence of a majority of Drafts on treasurer. said trustees, shall give a check upon the treasurer for the amount, retaining a copy thereof, to be placed on file by the clerk; which check shall also be filed by the treasurer, as a voucher for having paid out the money of the corporation.

§ 9. It shall be the duty of the trustees to make such by-laws, By-laws. rules and regulations, not repugnant to the laws of this state, as they from time to time may deem expedient, in relation to the removal of nuisances, encroachments upon the sidewalks of said village, the firing of guns, and fireworks, to the racing of or running horses, to prevent gambling, and all demoralizing exhibitions, or shows, to restrain beggars and vagrants, to restrain riots and disturbances, and all disorderly assemblages in said village.

§ 10. But in relation to all by-laws or ordinances for the improvements of the streets or sidewalks beyond the amount usually provided for in the common road assessments; the placing of signs and signposts; the restraining of any animal from running at large; the purchase of fire engines, fire ladders, fire hooks, and fire buckets, and in relation to all matters involving an increase of taxes upon the inhabitants of said village, it shall Certain by-laws to be submitted to the inhabitants.

be the duty of the trustees to call a meeting of the inhabitants previously notified as in cases of annual elections; in which meetings the object of such call shall be fully stated by the presiding officer, free discussion invited in relation to the subject of such call, and the sense of the meeting taken in relation thereto, in such manner as the majority of the meeting may designate. And it shall be the province of all such meetings at the time of passing any by-laws, ordinances or regulations, at the same time to institute and provide such fines, forfeitures and penalties for the protection and enforcement thereof as they shall deem necessary, all of which by-laws, ordinances and regulations, equally with those originating with the board of trustees, shall be under the executive supervision and control of said board of trustees.

Fines.

§ 11. No fine or forfeiture for the breach or neglect of any ordinance, by-law, or regulation, shall exceed in the case of a single offence the sum of ten dollars.

Prosecutions for violation of by-laws.

§ 12. It shall be the duty of the board of trustees, or any number thereof, to receive complaints of any breach, or any neglect of the ordinances, by-laws or regulations of said corporation; and see that they are duly enforced and preserved; and to prosecute all offenders against the same, in the name of the corporation. And it shall be sufficient in all actions brought for this purpose, to declare that the defendant is indebted to the corporation in the sum mentioned, and give the special matter in evidence. Any justice of the peace of the town of Dix, or Reading, shall have jurisdiction and cognizance in all actions brought by the trustees as above mentioned. And all freeholders and inhabitants of said village are hereby declared to be competent to give testimony and serve as jurors; and the justices in said village to try any such cause, and the constables in said village to serve jury, and other process, in cases where the trustees are a party.

By-laws to be recorded and posted.

§ 13. No rule, regulation, ordinance, or by-law shall be of any effect, until it shall have been recorded in the clerk's books, and copies thereof posted up in three public places in said village, or published in a newspaper therein.

Duty of clerk.

§ 14. It shall be the duty of the clerk of said village to keep the books and papers of said corporation, to record in a book provided for that purpose, the rules, votes, orders, regulations and proceedings of the inhabitants at their annual and special meetings; and also all the by-laws, ordinances and regulations of said board, either passed by them, or by special meetings of the inhabitants; and notify all officers in writing of their election; and also perform such other duties as the trustees shall from time to time require; and for all such services the trustees shall allow said clerk such compensation as they may think proper.

Duty of treasurer.

§ 15. It shall be the duty of the treasurer to receive all moneys of the corporation from the hands of the president, give

receipts therefor, keep an account of the same in a book provided for that purpose, and pay out said moneys upon checks drawn by the president, and to file said checks as vouchers for such payments, and to pay over all moneys which shall remain in his hands at the expiration of his official term of duty, to his successor in office; and for all such duties the trustees shall allow to said treasurer reasonable compensation.

§ 16. And the trustees may exact such security as they may deem necessary from the treasurer and collector, before either of the said officers enter upon the duties of their respective offices; and shall, at least once in each year, and oftener if deemed necessary, require the said treasurer to report to them the amount of corporation funds in his hands, and in all cases to require security in proportion to the sum deposited in the keeping of said officer.

Treasurer and collector to give security.

§ 17. All moneys raised by tax in said village by virtue of any law passed by a majority of the inhabitants as mentioned in section tenth, shall be assessed upon the real and personal property of the inhabitants by said assessors, and be collected in like manner as the county and town taxes are, by virtue of a warrant from said trustees.

Money raised by tax how assessed.

§ 18. All unpaid assessments of taxes upon real estate, shall remain to all intents and purposes a debt of record against the owner or occupant, and may be sued for, and recovered at any time within six years, with costs, in the name of the trustees.

Unpaid taxes.

§ 19. The amount of salary to be allowed to the trustees of said village for their services, shall be fixed by a vote of the inhabitants thereof at every annual election succeeding the one at which such trustees were chosen; at which time it shall be the duty of said trustees to present a detailed account of their services, performed during said term of office.

Salaries of trustees.

§ 20. The trustees shall have the sole authority to grant all licenses for taverns or inns, or for retailing of spirituous liquors generally in said village, and shall also be commissioners of highways within said village, with similar powers, and to no greater extent than similar officers exercise their authority in towns.

Power to grant licenses.

§ 21. Said corporation shall enjoy the privileges, and be subject to the restrictions contained in the third Title of the eighteenth Chapter of the first Part of the Revised Statutes so far as they may be applied or applicable to such corporations.

General powers.

§ 22. The legislature may at any time alter, modify, or repeal this act.

Right to repeal.

CHAP. 220.

AN ACT to amend "An act imposing certain duties on the Surveyor-General, passed May 11, 1840."

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Room to be prepared for maps, &c.

§ 1. The Surveyor-General, in addition to the duties prescribed in the act hereby amended, is authorized and directed to prepare the room adjoining the one now occupied by him in the new state hall, for the reception of such maps, plans, drawings, profiles and surveys as may be deposited with him by virtue of said act, and to make such fixtures therein as shall to him seem necessary, for their safe keeping. He is also authorized to employ temporarily, a competent draftsman, at such compensation as the Comptroller shall determine, whose duty it shall be to arrange the said maps and drawings, and to copy and supply deficiencies in the same.

Maps, &c. subject to inspection.

§ 2. The maps, drawings and other documents deposited as herein provided, shall be subject to the inspection of the public officers and citizens of this state, at all reasonable hours, but shall not be removed or taken away from the office.

Expenses to be paid.

§ 3. Any expense incurred in carrying out the provisions of this act, shall be paid by the Treasurer, on the warrant of the Comptroller.

CHAP. 221.

AN ACT to organize a fire department in the village of Coxsackie Landing in the county of Greene.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation created.

§ 1. George Reed, Levi Hoag and Henry Heermance, and such other persons residing in and near the village of Coxsackie Landing, as they may associate with them for the purpose of organizing one engine and hook and ladder company in said village, be and they are hereby constituted a body politic and corporate by the name and description of "The Fire Department in the village of Coxsackie Landing;" but the number of members of said corporation shall not exceed forty.

Real and personal property.

§ 2. The said corporation shall have power to take, hold and convey real and personal property, necessary for the purpose of extinguishing fires, and the preservation of engines, tools and implements of the said company, not exceeding in amount the

sum of three thousand dollars, and to make such rules, regulations and by-laws for their government and election of members from time to time as they may deem necessary; and the corporation hereby created shall continue during the term of twenty years.

§ 3. The members of said corporation, while they shall continue to be members thereof, shall be exempt from the performance of military duty except in cases of insurrection and invasion, and from service on juries; and a certificate signed by the captain or foreman of the company, shall be competent evidence in all cases, that the person to whom it is given is a member of said company at the time of the date of such certificate. Privileges of members.

§ 4. The said corporation shall possess the general powers of a corporation as defined in the third Title of the eighteenth Chapter of the first Part of the Revised Statutes, and shall be subject to the provisions and restrictions therein contained. General powers.

§ 5. This act shall take effect immediately, and may at any time be altered or repealed by the legislature. Right to repeal.

CHAP. 222.

AN ACT *respecting receivers appointed by the bank commissioners under the act entitled "An act respecting the appointment of receivers of moneyed institutions," passed April 27, 1841.*

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. That all the receivers heretofore appointed by the bank commissioners, under the act entitled "An act respecting the appointment of receivers of moneyed institutions," passed April 27, 1841, shall be subject to all the provisions of law applicable to receivers of moneyed institutions appointed by the chancellor previous to the passage of the last named act, and shall be accountable to, and under the direction of the chancellor, in relation to all their powers and duties, and the property and effects that has or shall come into their hands as such receivers, in the same manner and to the same extent as they would have been had they been appointed by the chancellor. It shall be the duty of the chancellor, from time to time, to make such orders and give such directions to such receiver in relation to the property and effects in their hands, or hereafter to come into their hands, as he shall deem most beneficial to the creditors of such moneyed institutions; and the chancellor shall have power, at any time, to remove any such receiver, and to appoint others, for neglect of duty or official misconduct, in the same manner Receivers subject to orders of chancellor.

and with the like power that he now has over receivers appointed by himself, and not otherwise.

§ 2. This act shall take effect immediately.

CHAP. 223.

AN ACT for the relief of Jabez Robinson.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Claims to be examined.

§ 1. The canal appraisers are hereby required to examine the claims of Jabez Robinson, for damages sustained by him on account of the waters of the Chenango river being diverted from their natural channel, and thrown into a feeder constructed by the state to feed the Chenango canal above the mills of the said Jabez Robinson ; and if upon such examination, the said appraisers shall be satisfied that the said Jabez Robinson has sustained any damages from the causes aforesaid, for which he ought to be remunerated by the state, then the said appraisers are hereby required to appraise and allow the same to the said Robinson.

Money how paid.

§ 2. All sums of money allowed under this act shall be paid by the canal commissioners, out of any moneys in their hands unappropriated.

§ 3. This act shall take effect immediately.

CHAP. 224.

AN ACT to amend the charter of the city of Buffalo, and for other purposes.

Passed April 11, 1842, by a two third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Duties relative to sales for taxes.

§ 1. The common council of the city of Buffalo shall have power in their discretion, to direct the clerk, or other officer of said city, to perform the duties required of the city attorney, by the forty-third section of the act incorporating said city, relative to selling land for the non-payment of taxes and assessments, in the same manner, and with the powers, obligations and liabilities as the city attorney, except that the said common council shall have power to fix the fees to be paid for performing such services, not exceeding the present fees.

§ 2. The common council shall pay the inspectors and poll clerks of the general elections in the several wards of said city, the same amount as is allowed by law in the towns of this state for like services, and also pay the aldermen of said city, while sitting as judges of the recorder's court, the same amount per day, as is allowed by law to judges of the county courts.

Pay of certain officers.

§ 3. The common council shall have power to direct the city clerk, or surveyor of said city, to make out the county ward assessment rolls for the several wards of said city, in the same manner and at the same time, and with the same powers and liabilities as are now required by law of the assessors; and all the said county ward assessment rolls, shall be left with said clerk or surveyor at his office, during the time for examination; and the said clerk or surveyor shall have power to correct clerical errors in the valuation or description of property in the city ward assessment rolls, under the direction of the common council, and on the county ward assessment rolls under the direction of the supervisors of the several wards.

County ward assessment rolls, how to be made.

§ 4. The city clerk's office in said city shall be considered a town clerk's office, for the purpose of depositing books and filing all papers required by law to be deposited or filed in a town clerk's office within said city; and the city clerk shall take charge of the same, and perform all the duties required by law, in the same manner and with the same powers as the town clerk in any town.

City clerk's office.

§ 5. The several wards of the city of Buffalo shall be considered towns for the purposes of the provisions of Title four, Chapter seven, Part third of the Revised Statutes, in respect to the return of jurors; and the supervisor and assessor of each ward respectively, shall execute the duties therein enjoined upon the supervisors, assessors and town clerks of the several towns of this state, except that a duplicate return of jurors made by them shall be filed in the office of the city clerk.

Wards of the city considered towns.

§ 6. The common council shall have power to renew any loans now made by said city, or create a new loan for the purpose of paying a former loan, by executing the necessary bonds, and providing for payment when they shall become due, as is now provided by law.

Loans may be renewed.

§ 7. The twenty-third subdivision of section thirty-one of the act incorporating said city, is hereby amended so as to read as follows:

Runners.

" 23. To regulate and restrain all runners."

§ 8. The common council shall have the same power to equalize and correct the assessment rolls, for the general tax in the several wards of said city, as the board of supervisors of the county of Erie have to equalize, and correct the assessment rolls of the several towns of said county.

Assessment rolls.

§ 9. The mayor or other officer authorized to grant licences

Licenses.

by the common council, shall be subject to all the duties, liabilities and restrictions that commissioners of excise are, by the twenty-third section of Title one, Chapter twenty of the first Part of the second edition of the Revised Statutes.

Violations of
excise law, }
how prosecuted.

§ 10. It shall hereafter be the duty of the overseers of the poor for said city, or either of the superintendents of the poor in the county of Erie, to prosecute for all violations of the excise law within said city, in the manner prescribed in Title nine, Chapter twenty of the first Part of the Revised Statutes, and all fines or penalties collected shall be applied as therein directed.

Repeal.

§ 11. All laws or acts inconsistent with this act are hereby repealed.

§ 12. This act shall take effect immediately.

CHAP. 225.

AN ACT for the preservation of the Croton Water Works in the city of New-York.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

By-laws and
ordinances
may be
made.

§ 1. The mayor, aldermen and commonalty of the city of New-York, are hereby authorized to pass such by-laws and ordinances, as to them shall seem meet, for the preservation and protection of all or any of the works connected with the supplying of the city of New-York with pure and wholesome water, under and by virtue of the act to provide for supplying the city of New-York with pure and wholesome water, passed May 2d, 1834, and the acts amending the same, provided that such by laws and ordinances are not inconsistent with any laws of this state, or with the constitution thereof, subject at any time to be repealed or modified by the legislature; and also to organize a department with full powers for the management of such works and the distribution of the said water.

§ 2. This act shall take effect immediately.

CHAP. 226.

AN ACT further to amend the act entitled, "An act to incorporate the Washington Marine Insurance Company of the city of New-York," passed April 27th, 1833.

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The capital stock of the Washington Marine Insurance Company, of the city of New-York, shall be, and the same is hereby reduced to one hundred thousand dollars, to be divided into two thousand shares of fifty dollars each; and the title of the said corporation shall be altered to "The Washington Mutual Insurance Company."

Capital stock reduced.

§ 2. The surplus of the present capital stock of the said company, over and above the sum of one hundred thousand dollars, shall be paid back to the present stockholders of the said company, their legal representatives or assigns, pro rata, and in proportion to the respective amounts of stock held by them.

Surplus to be paid back.

§ 3. It shall be lawful for the said company to loan their said capital stock and such profits as may hereafter be made, on bonds and mortgages on unincumbered real estate in the state of New-York, worth fifty per cent more than the sum loaned thereon; also, on any stock or evidence of debt created or issued by the United States, by the state of New-York or by the city of New-York; and on the stock of any bank chartered by the state of New-York, or on the stocks of any city in the state, or on respondentia; and also to invest or reinvest in any one or more of such securities.

Loans may be made.

§ 4. All investments of the capital stock of the said company, made pursuant to the act incorporating the same, of the 27th of April, 1833, and to the various acts amendatory thereof, which shall not conform to the third section of this act are hereby declared valid; but, whenever such investments shall be called in, the provisions of the said third section shall apply to and govern all re-investments thereof if made.

Investments pursuant to act of 1833.

§ 5. All persons who shall hereafter insure with the said corporation, and pay, or secure to be paid, the premium on the risk insured against, in the manner required by the said company, and also their executors, administrators and assigns, continuing so to be insured in said corporation, shall thereby become members thereof, during the period they shall remain insured, and no longer. Such insured members shall have all the rights and privileges conferred on the stockholders of the said company, by the said act of the 27th of April, 1833, or any of the acts amendatory thereof, subject, however, to the restrictions in this act contained; and no premium so paid shall ever be withdrawn from said company, but shall be liable to all

Persons who are members of the corporation.

the losses and expenses incurred by this company during the continuance of its charter, except as is hereinafter provided.

Rate of interest.

§ 6. The stockholders shall receive, annually, seven per cent on the said reduced capital stock of one hundred thousand dollars before any other distribution or disposition shall be made of the income of the said company, in case any profits whatever, over and above its losses shall have been made.

Balance to be struck yearly.

§ 7. At the expiration of each year, which for the purpose of this section shall end on the thirty-first day of December, and within thirty days thereafter, the officers of the said company shall cause a balance to be struck of the affairs of the said company, in which they shall first set aside the interest on the capital stock as aforesaid, provided the said interest or capital shall not have been absorbed in whole or part by losses or expenses; and they shall then divide the ascertained profits pro rata among the stockholders and insured members. Each stockholder shall receive such a proportion of the said ascertained profits as the stock held by him bears to the entire collective amount of stock and premiums earned; and each insured member shall receive such a proportion of the said ascertained profits as the premium paid by him on risks terminated, bears to the entire collective amount of stock and premium earned. By the term ascertained profits, is meant the premiums known to be earned over and above the losses incurred and expenses paid.

Certificates to be issued to members.

§ 8. At the expiration of each year, which for the purposes of this section shall be on the second Tuesday of January, the said company, immediately and within thirty days after the balance prescribed by the last section shall be struck, shall issue a certificate to each insured member, stating the amount of surplus profits which shall be ascertained to be due him on striking the balance aforesaid; but the share of such profits accruing to the stockholders shall be paid out to, and received by them respectively, with their annual dividend.

For not less than \$50.

§ 9. No certificate shall issue for any sum less than fifty dollars, nor for any fractional part of ten dollars; every certificate therefor shall be for the sum of fifty dollars, or if for a greater sum, then for some multiple of ten. The said certificates shall not be transferable, except on the books of the said company, and a transfer book shall be kept for that purpose.

Profits how disposed of.

§ 10. The profits of the said company shall in no case be withdrawn from the said company, (except as herein provided for,) but shall remain equally with the capital stock, liable to all the losses and expenses thereof; and such liabilities shall be expressed on the face of said certificate: but no certificate shall be charged with a second or other subsequent loss, until all other certificates shall have been equally charged; and the interest accruing on the investment thereof shall be paid over to the holders of the certificates which represents such investments.

§ 11. No insured member, stockholder nor certificate holder shall in any case be liable, over and above the precise amount of premiums paid by him, or stock or certificate held by him; and when such premium, or such stock, or such certificate shall be absorbed by the losses or expenses of the said company, all liability or responsibility on his part, for the said losses or expenses shall cease. Liability.

§ 12. Every holder of a certificate, as such, and although he be not an insured member, shall be entitled to all the rights and privileges of a member of this corporation, except that of sharing in the profits of the said company; and every sum of fifty dollars, whether in one or more certificates, shall entitle the holder to vote. Rights of holders of certificates.

§ 13. No insured member shall be entitled to vote before holding a certificate of fifty dollars; and for every additional certificate of fifty dollars, such insured members shall be entitled to an additional vote, but shall not in any case have more than one hundred votes. Qualification of voters.

§ 14. No certificate shall issue to any person who is in debt to the company, and no transfer of a certificate shall be permitted so long as the holder is indebted to the said company. Certificates shall in all cases be subject to and bound by any judgment that may be obtained by the said company against the holder of such certificate; and the interest of such holder may be sold by the company on execution in the same way as any other species of chattel property. Debtors to the company

§ 15. No certificate shall issue unless claimed within two years after the declaration of the dividend whereof it is the evidence; but the amount thereof shall, at the expiration of the said two years be carried to the credit of the said company. Time limited to claim dividend.

§ 16. When the nett profit remaining in possession of the company shall exceed the sum of five hundred thousand dollars, the excess may be applied to the redemption of the certificates of the said company; but when the profits shall exceed the sum of one million of dollars, the excess shall be applied to the redemption of the certificates of the said company, in classes of separate years, in the order in which they were issued; no payment shall however be made in whole or in part, of the certificates of any subsequent years, until all the certificates of the preceding years shall have been provided for; and provided also, that whenever public notice shall have been duly given for one fortnight in any two daily papers in the city of New-York, of the intention of the said company to pay off a certificate, to be designated only by its date; the said certificate shall from such time cease to bear interest; and if the said certificate shall not within five years from such notice be presented for payment, the same shall be cancelled on the books of the said company, and the amount thereof carried to the general credit of the said company. Excess how to be applied

General balance statement to be made.

§ 17. Within the first fortnight subsequent to the thirty-first day of December, which shall happen after the company shall be in operation under the provisions of this act for the period of one year, and within thirty days of every subsequent year, the officers of the said company shall cause to be made and printed a general balance statement of the affairs of the said company, which shall contain :

1. The amount of premiums received during the previous year, specifying what amount was received on fire risks, and what on marine risks.

2. The amount of the expenses of the said company during the year.

3. The amount of losses incurred during the year ; specifying what amount of losses had been incurred on fire risks, and what on marine risks.

4. The balance remaining with the said company.

5. The nature of the security on which the same was invested ; specifying what amount is invested on real security in the city of New-York ; what on real security out of the city of New-York : what in stocks, and how much in each of such stocks, and minutely and particularly, what in each of the securities mentioned in the third section of this act, and what amount of cash is on hand, and the amount invested in each of said securities. A printed copy of this statement shall be delivered to each member on request ; and the said statement shall be printed daily for two weeks after its completion, in two daily papers in the city of New-York, and also in the state paper.

Suits.

§ 18. Suits at law may be prosecuted and maintained by any insured member against said corporation, whether such insured member be also a stockholder or not, for losses or damages insured against by them, if payment is withheld more than sixty days after the company is duly notified of such losses ; and no insured member of the corporation or stockholder, not being in his individual capacity a party to such suit, shall be incompetent as a witness.

Sections R. S. not applicable.

§ 19. The sections of the Revised Statutes, from nineteenth to twenty-fifth, both inclusive, of the first Article of the second Title of the eighteenth Chapter of the first Part, shall not be applicable to the corporation hereby created.

Insurance.

§ 20. The said company, in addition to its present powers, is also hereby authorized to make insurance on dwelling houses, shops and other buildings, household furniture, merchandize and other property, against loss or damage by fire.

Repeal.

§ 21. All parts of the original act incorporating the said company, passed the 27th April, 1833, or the various acts amendatory thereof, which are inconsistent with this act, shall be and the same are hereby repealed.

Act when to become obligatory.

§ 22. This act shall not be obligatory on the said corporation, until it shall signify its acceptance thereof ; such accept-

nce shall be signified by a declaration to that effect, to be executed under the common seal of the said company, and attested by its president and vice-president and filed in the office of the Secretary of State; and the said company shall signify such acceptance within two years from the passage of this act.

§ 23. It shall be competent for the said company, in its discretion, within two years from the acceptance of this act, to pay off the balance of the capital stock so remaining as aforesaid, after the reduction herein provided for; and such capital shall be paid back to the stockholders or their legal representatives, pro rata, and in proportion to the respective amounts of stock held by them. Balance of capital when to be paid off.

§ 24. The company, for the better security of its dealers, may receive notes for premiums in advance, of persons intending to receive its policies, and may negotiate such notes for the purpose of paying claims or otherwise, in the course of its business; and on such portions of said notes as may exceed the amount of premiums paid by the respective signers thereof at the successive periods when the company shall make up its annual statement as hereinbefore provided for; and on new notes taken in advance thereafter a compensation to the signers thereof, at a rate to be determined by the trustees, but not exceeding five per cent per annum, may be allowed and paid from time to time. Notes may be received in advance.

§ 25. The legislature may at any time hereafter alter, modify or repeal this act. Might be repealed.

CHAP. 227.

AN ACT to amend the act entitled "An act to incorporate the New-York and Erie Railroad Company."

Passed April 11, 1842, by a two-third vote.

The People of the State of New-York represented in Senate and Assembly, do enact as follows :

§ 1. The time limited by the second section of the act entitled "An act to incorporate the New-York and Erie Railroad Company," passed April 24th, 1832, for constructing, finishing and putting in operation one-fourth of the said railroad or way, is hereby extended for the period of two years from the passage of this act. But nothing in this act shall be construed to impair the rights of the state, in virtue of its lien on the road of said company, or to release the said company from any penalty or forfeiture, in consequence of any neglect or refusal of the said company to pay the interest on the stocks of the state issued to the said company. Time extended.

§ 2. This act shall take effect immediately.

CHAP. 228.

AN ACT *relative to the Firemen's Insurance Company in the city of New-York.*

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Stocks may
be purchased.

§ 1. It shall be lawful for the Firemen's Insurance Company to invest their capital or surplus profits, or any part thereof, when and as often as the interest of said corporation shall require, in the purchase of any public stocks created by this state, or by the United States, or of the stock of any incorporated city or of the stock of any bank chartered by this state, but the said corporation shall not have invested in stock more than one-third of the capital stock, at any one time over and above the surplus profits.

President
pro tempore.

§ 2. In case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the president, if present, might exercise.

Real estate.

§ 3. The power of the said corporation to hold such and so much real estate as shall be necessary for the transaction of their business, shall be held to enable them for that purpose to purchase, hold and improve any one lot of land and buildings thereon in the city of New-York, the value of which shall not exceed fifty thousand dollars, and to let such parts thereof, as may not be necessary for their own use or occupation.

Repeal.

§ 4. So much of the act entitled "An act to incorporate the Firemen's Insurance Company in the city of New-York," passed April 18, 1825, and all acts amending the same, so far as the same are contrary to, or inconsistent with the provisions of this act, be and the same is hereby repealed.

CHAP. 229.

AN ACT *to revive the act "To provide for the construction of a railroad from the village of Warwick to the New-York and Erie railroad," passed May 13, 1837.*

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Act revived
and extended

§ 1. The act incorporating the Warwick Railroad Company is hereby revived, except such parts of the same as is herein-after modified ; and the provisions of the second section of that act is hereby extended for three years from the passage of this

act; and Henry Wisner, James B. Wheeler, Jeffrey Wisner, Edward L. Welling, Henry Pelton, Maurice Hoyt, John Wood, Vincent Van Duzer, and William F. Wheeler shall be commissioners to receive subscriptions, and distribute the stock of said corporation.

§ 2. The eighth section of the act hereby revived and amended, is hereby repealed. Repealed.

CHAP. 230.

AN ACT for the relief of Samuel White, Tracy S. Knap, and Arnold Field, late trustees of school district number sixteen in the town of New-Berlin.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The trustees of school district number sixteen, in the town of New-Berlin, within thirty days after the passage of this act, shall make out, in the mode prescribed by law, a rate bill and warrant for the collection of the sum of ninety-one dollars, (being the amount received as wages by Samuel Steere, a teacher in said district, against Samuel White, Tracy S. Knap, and Arnold Field, late trustees of said district,) together with the fees of the collector therein, against the inhabitants of said district, who sent children to the school of said teacher, during the respective terms for which said amount was recovered, ascertaining the number of days and of children sent, by the best evidence in their power; which amount when collected, shall be paid over to said Samuel White, Tracy S. Knap, and Arnold Field, as an indemnity against the recovery aforesaid.

Rate bill and warrant to be made out for \$91.

§ 2. The trustees of said district shall likewise, within the time hereinbefore prescribed, levy and assess upon the taxable inhabitants of said district, the sum of two hundred and sixteen dollars, with the fees of the collector therein, being the amount of the judgment for costs recovered by said Steere, against the said White, Knap, and Field, as trustees as aforesaid; which said amount when collected, shall be paid over to the said Samuel White, Tracy S. Knap and Arnold Field.

The sum of \$216 to be raised.

§ 3. The superintendent of common schools is hereby authorized, on the application of the said Samuel White, Tracy S. Knap and Arnold Field, or either of them, and on proof of service of a copy of said application on the trustees of said district, to ascertain and determine, by the best evidence in his power, the sum justly due to said White, Knap and Field, for their expenditures in the defence of the suit brought against them by the said Steere, and to direct the same, together with the fees for collection therein, to be levied and collected of the

Duty of superintendent of common schools.

taxable inhabitants of said district, and paid over to said White, Knap and Field.

§ 4. This act shall take effect immediately.

CHAP. 231.

AN ACT to incorporate the Palmyra Savings Bank.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation
created.

§ 1. Thomas Rogers, Stephen Hyde, George W. Cuyler, Augustus Elmendorf, Isaac E. Beecher, Thomas T. Birdsall, Alexander McIntyre, Truman Heminway, Arrovustus P. Crandall, David S. Aldrich, Frederick Smith, Oliver H. Palmer, their associates and successors, are constituted and created a body politic and corporate, by the name of the "Palmyra Savings Bank."

Real and
personal
estate.
Trustees to
receive no
pay.

§ 2. The said corporation shall not take and hold real and personal estate above the value of fifteen hundred dollars.

§ 3. The trustees or managers of said corporation, except the secretary, shall not receive, directly or indirectly, any pay or emoluments for their services.

Officers.

§ 4. The officers of the said corporation shall consist of a president, vice-president, secretary, and eleven trustees, who shall constitute a board of managers, seven of whom, if the president or vice-president be present, shall constitute a legal meeting for the transaction of business.

First trust-
tees.

§ 5. The several persons named in the first section of this act shall be the first trustees and managers of said corporation, and shall elect from their number the president, vice-president, and secretary; and all vacancies, by death or otherwise, either in the office of president, vice-president, secretary or trustees, shall be filled by the board of managers, at their first regular meeting after such vacancy shall occur, by ballot; and the person having the majority of the whole number present and voting, shall be considered as duly elected, and not otherwise.

Deposites.

§ 6. The said corporation shall receive as deposits, all sums of money that may be offered for that purpose, in such sums and on such terms as are allowed by this act, for the purpose of being invested in government securities, or in any public stock created under and by virtue of any law of the United States, or of the state of New-York, or for the purpose of being loaned out upon unincumbered real estate, of double the value of the sum loaned, exclusive of buildings thereon; and also for making temporary loans upon undoubted personal security, not exceeding in the aggregate five thousand dollars at any one time, not exceeding two hundred and fifty dollars to any one person,

or temporary deposits in any solvent banks, banking association, or with any individual banker, and receiving interest at such rates, not exceeding that allowed by law, as may be agreed upon; and such deposits shall be repaid to each depositor when required, at such times and with such interest, and under such regulations as the board of managers shall from time to time prescribe; which regulations shall be put up in some public and conspicuous place in the room where the business of the said corporation shall be transacted, and shall not be altered so as to affect any one who may have been a depositor previous to such alteration. No loan shall be made upon personal security, unless a majority of the board of managers shall, by resolution, consent thereto.

§ 7. No president, vice-president, trustee or other officer of the said corporation, shall directly or indirectly borrow or use the funds of the corporation, except to pay the necessary current expenses; and all certificates or evidences of deposit made by the proper officer, shall be as effectual to bind the said corporation as if they were under the common seal thereof.

Officers not to borrow money.

§ 8. It shall be the duty of the board of managers of the said corporation to regulate the rate of interest to be allowed to the depositors, so that they shall receive a rateable proportion of all the profits of said bank, after deducting all necessary expenses hereinafter directed to be incurred; except that the interest allowed to persons having five hundred dollars or more on deposit in said bank, may be made one per cent less than the interest allowed to others.

Rate of interest.

§ 9. The subordinate officers and agents of said corporation shall respectively give such security for their fidelity and good conduct, as the board of managers may from time to time require; and the said board shall fix the salary of such officers and agents.

Officers to give security.

§ 10. The said corporation shall make an annual report to the legislature of this state, of their funds and investments.

Annual report.

§ 11. The books of said corporation shall at all times during their hours of business, be open for inspection and examination to the Comptroller of this state, and such other person or persons as the legislature of this state shall designate and appoint.

Books may be inspected.

§ 12. When any deposits shall be made by a person being a minor, the said corporation may at their discretion pay to such depositor, such sum as may be due to him or her, not exceeding two hundred and fifty dollars, although no guardian shall have been appointed for such minor, and the receipt or acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor, if such deposit was personally made by such minor.

Deposites by minors.

§ 13. The amount of deposits receivable by said corporation shall not exceed five hundred thousand dollars at any one time.

Limitation of deposits.

Unclaimed dividends to be reported.

§ 14. The said board of trustees shall, in the month of January of each year, report to the legislature the amount of unclaimed deposits on hand and the interests thereon, and the names of all depositors who have not, in one year prior to said report, received any dividend.

General provisions.

§ 15. This corporation shall be subject to the provisions of the eighteenth Chapter of the first Part of the Revised Statutes, so far as the same are applicable.

§ 16. The legislature may at any time alter or repeal this act.

CHAP. 232.

AN ACT to amend an act entitled "An act to authorize the Rensselaer and Saratoga Railroad Company to borrow money," passed April 18, 1838.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Road may be mortgaged.

§ 1. The first section of the act entitled "An act to authorize the Rensselaer and Saratoga Railroad Company to borrow money," passed April 18, 1838, is hereby amended so as to read as follows: The Rensselaer and Saratoga Railroad Company are hereby authorized to mortgage the road and other real estate of the company, with all its bridges, buildings, railways, depots, fixtures and other appurtenances, and all its corporate rights, franchises, capital stock and personal property, to secure the payment of the debts due, and to grow due from the said company, or to secure the payment of any sum borrowed by the said company for the payment of its debts, provided that the whole amount of the mortgage so to be executed, shall not exceed the sum of two hundred and twenty thousand dollars.

Mortgage may be foreclosed.

§ 2. In case the condition of said mortgage shall be broken, the holder or holders of said mortgage may foreclose the same in a court of chancery, or by giving notice and proceeding in the manner in which mortgagees are authorized by statute to sell under a power of sale; and such foreclosure and sale upon such notice and proceeding, shall have the like effect against all the parties in interest, as if the said mortgage had been foreclosed in a court of equity; and the purchaser or purchasers of said road and other mortgaged premises shall be considered as holders of the stock of said company, and may transfer the stock or any number of shares thereof, to any other person or persons, and may continue the corporation under the original charter, and act amending the same according to the provisions thereof; provided, nevertheless, that any stockholder of said company may, within six months after the foreclosure of said mortgage and sale of said mortgaged premises,

pay to the purchaser a sum equal to the proportion, which the amount of stock in said company held by such stockholder, computed at the par value of the stock, shall bear to the principal, interest and costs due on such mortgage at the time of the sale under said mortgage, together with the interest thereon to the time of such redemption, and if the said mortgage shall be sold then in proportion to the amount as principal, which the purchaser or purchasers shall have paid for the same, together with interest thereon as aforesaid. And upon such payment being made to the purchaser, or deposited in one of the banks of the city of Troy, to the credit of such purchaser, such stockholder shall become entitled to such an undivided interest and share in all the property, corporate rights and franchises sold under the said mortgage, as shall be in proportion to the amount of principal so paid or deposited by such stockholder, shall bear to the amount of principal, interest and cost on said mortgage at the time of the sale under the same, as aforesaid.

CHAP. 233.

AN ACT to incorporate the Cherry-Valley Mutual Insurance Company.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Jabez D. Hammod, William Campbell, Joseph Phelon, George W. White, Mason Flitch, Jonathan Hall, Oliver A. Morse, David H. Lisle, Sumner Ely, James Hyde, Davis Coats, Jeremiah E. Cary and William L. Bigelow, and all persons who may hereafter be associated with them, shall be a corporation by the name of the "Cherry-Valley Mutual Insurance Company," for the purpose of insuring their respective dwelling houses, stores, shops and other buildings, household furniture, merchandise and other property, against loss or damage by fire. Corporation created.

§ 2. The persons named in the first section of this act shall be the first directors of the said corporation; the business of the said corporation shall be carried on and conducted at such place in the town of Cherry-Valley, in the county of Otsego, as shall be designated by a majority of the members thereof present at any regular meeting. First directors.

§ 3. The corporation hereby created shall possess all the powers and privileges, and be subject to the restrictions and limitations which are granted to and imposed upon the Jefferson County Mutual Insurance Company, by the act incorporating that company, which passed March 8, 1836; but the company hereby created, on making any insurance, may receive a sum not exceeding ten per cent on the premium or deposit General powers.

note, at the time of making such insurance ; and may loan such portion of the said ten per cent, as may not be immediately wanted for the purposes of said corporation, upon good and ample security, by bond, mortgage or promissory notes.

CHAP. 234.

AN ACT for the relief of William McComb.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate, and Assembly, do enact as follows :

Title of the
state
released.

§ 1. All the estate and interest of the people of this state, in and to that certain piece of land situate and being in the city of Rochester, in the county of Monroe, known and designated as lot number one hundred and eleven, on Adams-street, (on Corn-Hill so called,) in said city, being fifty feet front on said Adams-street, and extending back the same width one hundred and thirty-eight feet, acquired by escheat, in consequence of the alienage of William Boys, deceased, is hereby released to and vested in William McComb, his heirs and assigns forever.

§ 2. This act shall take effect immediately.

CHAP. 235.

AN ACT to amend the act entitled "An act to incorporate the Baptist Education Society of the State of New-York," passed March 5, 1819.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Real and
personal
estate.

§ 1. The Baptist Education Society of the State of New-York, incorporated by act of the legislature March 5, in the year of our Lord one thousand eight hundred and nineteen, may take, hold, and enjoy by gift, grant, or by devise, real and personal estate to an amount, the clear annual value or income of which shall not exceed ten thousand dollars.

Right to
repeal.

§ 2. The Legislature may at any time amend, alter, modify or repeal this act.

CHAP. 236.

AN ACT for the relief of William Boggs and others.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All the right and title of the people of the state of New-York, acquired by escheat, in and to lot number six, of the smaller lots into which lot number one in the subdivision of lot number five in the fourteenth allotment of the general partition of the patent of Kayaderosseras, containing thirty-nine and a half acres of land, and of, in and to sixty-two and a half acres of land, being a subdivision of the westernmost one hundred acres in lot number four of the smaller lots into which the lot distinguished on the map and the field book by the letter B, in the partition of lot number four in the fourteenth allotment of the general allotment of the said patent of Kayaderosseras, in consequence of the decease of John Boggs, late of the town of Galway in the county of Saratoga, an alien, are hereby released to Jane Boggs, widow of the said John Boggs deceased, and to William Boggs, Robert Boggs, Hance Boggs, Esther Boggs and Jane Boggs, children of the said John Boggs deceased, in such proportions as they would have been entitled to, if they and the said John Boggs deceased, had been citizens of the United States at the time of his death.

Right and title of the state released.

§ 2. All the right and title of the people of the state of New-York, acquired by escheat, of, in and to all the said premises in the first section of this act described, in consequence of the decease of William Boggs, late of the town of Galway aforesaid, an alien, are hereby released to the said children of the said John Boggs, deceased, and to William Boggs, eldest son of Archibald Boggs deceased, in the following proportions, viz : One equal half part thereof to the said children of the said John Boggs deceased; and the remaining equal half part thereof to the said William Boggs, eldest son of the said Archibald Boggs, deceased.

To whom and in what proportions.

§ 3. The said land shall be liable for the payment of the debts of the said John Boggs deceased, and William Boggs deceased, in case their personal estate should not be sufficient for that purpose.

Land, liable for debts.

§ 4. This act shall take effect immediately.

CHAP. 237.

AN ACT *authorizing money to be raised in each of the towns of Adams, Lorraine, Hounsfield, Brownville and Watertown, in the county of Jefferson, to be applied in improving in the towns of Redfield and Boylston, in the county of Oswego, the state road leading from Rome to Sackett's Harbor.*

Passed April 12, 1842

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Money to be raised by tax.

§ 1. The inhabitants of each of the towns of Adams, Lorraine, Hounsfield, Brownville and Watertown, at the annual town meeting of said towns respectively, at any time hereafter, may direct and order the levy, assessment and collection of such sum or sums of money as they shall, by a vote of such meeting, determine, not exceeding five hundred dollars in any one town, (in addition to what they are now authorized by law to raise in such towns) for the construction, improvement and repairing in the towns of Redfield and Boylston, of the state road leading from Rome through said towns to Sackett's Harbor.

Special town meeting.

§ 2. Any such vote may be passed by the inhabitants of said towns respectively, at any special town meeting of any such town called for that purpose by the town clerk of any such town ; and the same shall have the same force and effect as if passed at an annual town meeting.

Amount to be apportioned upon the towns.

§ 3. It shall be the duty of the board of supervisors of said county of Jefferson, to cause the amount that may, by such towns respectively, be directed to be levied by virtue of this act, to be assessed, levied and collected upon such towns respectively, in the same manner as other town charges of said towns respectively, are directed to be levied and collected ; and when collected, the same shall be paid over to the commissioners of highways of the town whereon the same was collected.

Money, how to be applied.

§ 4. The commissioners of highways of each of said towns shall immediately cause the money levied and collected by virtue of this act, to be judiciously expended in constructing, repairing and improving in the towns of Boylston and Redfield, the state road leading from Rome through said towns to Sackett's Harbour.

Sub-agent may be appointed.

§ 5. The commissioners of highways of each of said towns respectively, may appoint a sub-agent under them respectively, with full power and authority to make contracts for and in the name of such commissioners for the constructing, repairing and improving in the towns of Boylston and Redfield, and paying for the same out of the moneys levied and collected on such town by virtue of this act ; but no such money shall be advanced or paid by any such commissioner or commissioners of high-

ways to their sub-agent, or to any other person or persons, on any contract or agreement for the constructing, repairing or improving of said road, or of any part thereof, until the labor or service for which the same is to be paid, has been fully performed agreeable to the terms of said contract.

§ 6. Every sub-agent appointed by the commissioners of any town, under and by virtue of this act, shall account to the commissioners of highways of such town, from time to time, on reasonable notice, for the just and proper expenditure of all moneys received by such sub-agent of such commissioners of highways, and such commissioners of highways may in their corporate capacity, or in their name as such commissioners of highways, sue such sub-agent for any moneys received of such commissioners of highways, and not accounted for, or for any neglect or breach of duty, as such sub-agent, and may prosecute the same to judgment and execution; and all moneys collected on any such judgment, shall be expended as aforesaid, in improving and repairing said road. To account.

§ 7. It shall not be lawful for any person who is a commissioner of highways, or for any person appointed as a sub-agent of any commissioners of highways, to retain in his own hands, or to apply to his own use (except so far as the same may be expressly granted by this act) any moneys raised by virtue of this act, for any services rendered, or for any materials furnished for any purpose whatever, either directly or indirectly, by any commissioner or commissioners of highways, or by any such sub-agent of any commissioners. Restriction.

§ 8. The commissioners of highways of any town and the sub-agent of any such commissioners shall be entitled to charge and receive out of the moneys raised on said town by virtue of this act, for services rendered under and in pursuance of this act, at and after the rate of one dollar and fifty cents per day; provided, nevertheless, that the amount to be allowed the commissioners and sub-agent of any one town for such services shall not in the gross exceed the sum of ten dollars. Pay of commissioners and sub-agents.

§ 9. Any commissioners of highways or any sub-agent of commissioners of highways, who shall wilfully violate the provisions of this act, shall be deemed guilty of a misdemeanor, and may be tried and punished as for a misdemeanor by and before any court having cognizance of such offences. Penalty.

§ 10. This act shall take effect immediately.

CHAP. 238.

AN ACT to amend the Revised Statutes relating to the public health.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Amend-
ments.

§ 1. Section thirty-two of article third, Title second, Chapter fourteenth, Part first of the Revised Statutes, is hereby amended by inserting after the words " quarantine ground" the words " or some suitable place to be designated by the Mayor and commissioners of health."

Right to re-
peal.

§ 2. The Legislature may at any time hereafter, modify or repeal this act.

§ 2. This act shall take effect immediately.

CHAP. 239.

AN ACT to confirm the acts of Benjamin Sherman.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Acts con-
firmed.

§ 1. The acts of Benjamin Sherman, of the county of Genesee, a marshal of the boards of court martial of the one hundred and ninety-fifth regiment of infantry of this state, are hereby declared as valid as the same would have been if the said Sherman had been a constable in said county of Genesee duly qualified during the years one thousand eight hundred and thirty-nine, one thousand eight hundred and forty, and one thousand eight hundred and forty-one; and the process under which he acted had been directed to him as constable.

Saving
clause.

§ 2. This act shall not affect any action or suit heretofore brought or now pending in any court.

§ 3. This act shall take effect immediately.

CHAP. 240.

AN ACT for the recovery of demised premises.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. In case of proceedings under the second subdivision of section twenty-eight, Title ten, Chapter eight of the third Part of the Revised Statutes, if the unexpired term of the lease under which the premises are held, exceeds five years at the time of issuing the warrant upon such proceedings, the lessee, his assigns or personal representatives, may at any time within one year after possession of the demised premises shall have been delivered to the landlord, pay or tender to the lessor, his representatives or attorney, or to the officer who issued the warrant, all rent in arrear to the time of such payment or tender, and all costs and charges incurred by the landlord—and in such case the premises, shall be restored to the lessee who shall hold and enjoy the same without any new lease thereof according to the terms of the original demise; and any mortgagee of the lease, or of any part thereof who shall not be in possession of the demised premises or any judgment creditor of the lessee who shall within one year after the execution of such warrant pay all rent in arrear, all costs and charges as aforesaid, and perform all the agreements which ought to be performed by the first lessee, shall not be affected by such recovery; and such judgment creditor may file a suggestion of such payment upon the record, and may issue execution for the amount of the original judgment and of such payment.

Rights of
lessees and
mortgagees.

§ 2. The act entitled "An act to amend the Revised Statutes in relation to summary proceedings to recover possession of demised premises," passed April 25, 1840, is hereby repealed.

Repeal.

CHAP. 241.

AN ACT to incorporate the Goshen and Albany Railroad Company.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All persons who shall become stockholders pursuant to this act shall be and they are hereby constituted a body cor-

Corporation
created.

porate for the term of fifty years, by the name of the "Goshen and Albany Railroad Company," for the purpose of constructing and maintaining a railroad from the city of Albany to intersect the New-York and Erie railroad, at or near the village of Goshen or the most suitable point in the county of Orange, and to run on the most practicable route that the directors of said company shall deem most for the public convenience and accommodation; and to take, transport and convey persons and property upon the same by the power and force of steam, of animals of any mechanical or other power or any combination of them.

Time limited.

§ 2. If the said corporation shall not, within two years from the passage of this act, commence the construction of said road, and expend at least twenty-five thousand dollars thereon, and shall not within four years from the passage of this act, finish fifty miles of the said road and put the same in operation, and shall not, within six years from the passage of this act, complete the residue of said road and put the same in operation, then the said corporation shall thenceforth forever cease, and this act shall be null and void.

Capital stock.

§ 3. The capital stock of the said corporation shall be one million five hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and shall be deemed personal property, and may be transferred in such manner as the said corporation, in and by its by-laws, shall direct.

Subscriptions to stock.

§ 4. John Townsend, George G. Mitchell, Thomas W. Olcott, A. F. Scofield, John J. Palmer, Elihu Townsend, Eleazer Lord, shall be commissioners to receive subscriptions to the capital stock of the said corporation and distribute the said stock; and it shall be their duty, within one year from the passage of this act, at some suitable place in the county of Orange, and in such other place or places as they or a majority of them shall direct, to open books to receive subscriptions to the said capital stock, after giving thirty days' previous notice of the time and place of opening said books, in the state paper and such newspapers in the counties respectively through which said road is to run, and in the city of New-York and elsewhere, as to them shall seem proper; and the said commissioners shall proceed in the distribution of said stock in the manner prescribed for the distribution of stocks in and by the act entitled "An act to provide for the construction of a railroad from Attica to Buffalo," passed May 3, 1836, and shall possess all the powers conferred upon the commissioners appointed in and by said act.

General powers.

§ 5. The corporation hereby created shall possess and enjoy all the powers and privileges which were granted to and made in favor of the corporation created by the said act entitled "An act to provide for the construction of a railroad from Attica to Buffalo," passed May 3, 1836, and shall be subject

to all the conditions and restrictions which in and by the act aforesaid are imposed upon the corporation thereby created, except as is hereinafter provided.

§ 6. Any application to be made to a vice-chancellor under this act shall be made to the vice-chancellor of the circuit in which the land proposed to be taken shall be situated. All notices and meetings required by the act above referred to, shall be published and held in the respective counties through which the railroad hereby authorized is to be made.

Applications
to vice
Chancellor.

Mileage.

§ 7. The said corporation may receive a sum not exceeding five cents per mile for the transportation of any passenger and his ordinary baggage.

Right to
repeal.

§ 8. The legislature may at any time alter, modify or repeal this act.

CHAP. 242.

AN ACT to incorporate the village of Greene.

Passed April 12, 1842, two third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All that part of the town of Greene, in the county of Chenango, comprised within the bounds of one square mile, the centre of which shall be the intersection of Genesee and Chenango-streets, in the village of Greene; the east and west lines of said square mile running north thirty-eight degrees east, the north and south lines running at right angles with the same, shall hereafter be distinguished and known by the name of "The Village of Greene," and the freeholders and inhabitants residing in said village are hereby constituted a body corporate, by the name of "The Trustees of the Village of Greene."

Corporation
created.

§ 2. The inhabitants residing in said village entitled to vote for members of assembly therein, shall meet on the first Tuesday of May next, at such place in said village, and at such time of day, as the justices of the peace residing in said village, or any one of them shall direct, whose duty it shall be to give five days' notice in writing of such election previous thereto, by posting up such notice in at least three public places in said village; and they shall then and there elect by ballot, five trustees, one of whom shall be by the said trustees, at their first meeting appointed president of said village, three assessors, one clerk, one treasurer and one collector, who shall each and every one of them be inhabitants of said village, qualified to vote as aforesaid; and one of the justices

First meet-
ing to elect
officers.

of the peace of the said town, residing within said village, shall attend and preside as inspector of said election, and shall declare the persons receiving the greatest number of votes duly elected to their respective offices, and shall within three days thereafter notify personally, or by leaving written notices at their places of residence, such officers of their election; and on the first Tuesday in May in each year thereafter, there shall, in like manner at such hour and place in said village as the president thereof shall designate, by notice in writing, to be posted up in three public places in said village, at least five days previous thereto, be a new election of the same officers; and the trustees, or any one of them, for the time being, shall preside at such election, and conduct the same as the justices of the peace are above directed.

Special
meetings
may be called.

§ 3. The trustees shall have the power to call special meetings which shall be called and conducted as annual meetings, whenever they, or a majority of them shall deem fit, either to fill vacancies in office, or for other purposes; and the officers elected at an annual or special meeting, shall hold their offices until others are duly elected and qualified to succeed them.

Penalty for
neglect or
refusal.

§ 4. If any person who shall have been duly elected to any office in said village, shall for five days after being notified of such election, refuse to take upon himself the duties of his office, or neglect to give notice of his acceptance thereof to the clerk of the board of trustees, he shall, for every such neglect or refusal, forfeit the sum of five dollars, recoverable in the name of the trustees of said village, in an action of debt, in which the said trustees may declare generally, and give the special matter in evidence, in any court having cognizance thereof, with costs of suit for the use of the corporation.

Duty of the
president.

§ 5. It shall be the duty of the president of the said village, when present, to preside at the meeting of the trustees; to call meetings of the trustees when he shall think proper; to receive complaints of any breach of the by-laws; to see that the by-laws, rules, regulations and ordinances are faithfully executed and preserved; and to prosecute in the name of the said trustees for all such offences against such by-laws and ordinances.

Duty of the
clerk.

§ 6. It shall be the duty of the clerk of said village to keep the books and papers belonging to said corporation; to record in a book to be provided for that purpose, the rules, votes, orders, regulations and proceedings of the inhabitants at their annual and special meetings, and also all the by-laws, ordinances and proceedings of the board of trustees; to notify officers of their election, and perform such other duties as the trustees shall from time to time direct and require of him; and the said trustees may allow to him such sum for his services as they shall deem proper.

§ 7. It shall be lawful for the said trustees to make and publish such by-laws, rules and regulations, not repugnant to the laws of this state, as they from time to time shall think proper, in relation to the streets, highways, sidewalks, shade and ornamental trees in said village; to slaughter houses and nuisances generally; to firing guns and fire-works in said village; to running horses; to lighting the streets; to restraining any kind of animals from running at large in the streets; to keeping and regulating hay scales, public markets and common pounds; to keeping buckets, hooks and ladders; to preventing all kinds of gambling and exhibitions of wax figures, wild animals and all other shows exhibited by common showmen; all theatrical and other entertainments; to restraining any riot, noise, disturbance or disorderly assemblage in any place in said village.

§ 8. The trustees as often as they shall make or publish any by-laws, rules or regulations for the purposes aforesaid, may ^{Fines and forfeitures.} ordain and provide such reasonable fines, forfeitures and penalties upon the offenders against any such by-laws as they shall deem proper, not exceeding ten dollars for any one offence, to be prosecuted and recovered before any justice of the peace, by the trustees in the corporate name of the said corporation; and in all cases it shall be deemed sufficient for the said trustees in any suit or action to be brought for any such penalties or forfeiture, to declare generally under this section, and give the special matter in evidence; and the freeholders and inhabitants of said village are hereby declared competent to give testimony, serve as jurors, and the justices in said village to try any cause, and any constable in the town of Greene to serve any venire or other process, in any cause where the said trustees are a party, notwithstanding any remote interest they may have as members of said corporation.

§ 9. The said village of Greene is hereby made a separate ^{Road district.} and distinct road district; and it shall be exempt, (except the bridges therein,) from the superintendence and control of the commissioners of highways of the town of Greene: and the trustees of said village shall be commissioners of highways therein, and have full power and authority to apportion and assess the highway labor of said village, and do other acts in the same manner as commissioners of towns are required to do, and may divide the said village into different and distinct road districts, and appoint overseers over the same; they shall also order and direct when and where, and in what manner the highway labor shall be laid out; and the said overseers shall render to them a just and true account of their doings, in the same manner and under the same penalties and restrictions which govern other overseers in their returns to the commissioners of highways of towns.

§ 10. The inhabitants that have for the last six months previous to any annual or special election resided in said village, ^{Money may be raised by tax.} are entitled to vote by the second section of this act may vote

to raise a tax for the contingent expenses of said corporation, or for the purpose of grading, making or repairing any sidewalks or crosswalks, or for any village purpose or improvement, such sum or sums of money as they may think proper, not exceeding in any one year, in all, the sum of fifty dollars by a majority of the votes cast, but if two-thirds of the voters aforesaid shall deem it expedient to raise a larger sum, then the amount may be increased to any sum not exceeding one hundred dollars; and all moneys raised by tax in said village shall be assessed upon the inhabitants liable to pay taxes, by the assessors elected as aforesaid, who shall be freeholders, and collected by the collector of the corporation, in the like manner as the taxes of towns and counties are collected, by virtue of a warrant to him directed, to be issued by the said trustees and signed by the president and clerk of the said corporation, which taxes shall be collected and the warrant returned to the said trustees within thirty days from the date thereof. The president may renew said warrant from time to time as he may think proper.

Sume
sanctioned to
remain a
debt of
record.

§ 11. In case any sum assessed upon real estate cannot be collected in the manner aforesaid, it shall remain a debt of record against the owner or occupants and may be sued for and recovered at any time within six years, in the name of the said trustees or their successors, with costs; and when received shall be paid to the treasurer, subject to the order of the trustees, duly made as hereinafter directed.

Officers to
give
security.

§ 12. The trustees shall have power to exact of and from any village officer, security for the faithful performance of his duties, to be approved by the president; and shall at least once in each year, and oftener if thought necessary, require that the said treasurer report to them the amount of corporation moneys in his hands, together with the amount by him received and paid out, and for what purposes.

By laws,
when to take
effect.

§ 13. No rule, regulation, ordinance or by-law, shall be of any effect until it has been recorded in the clerk's office and a copy thereof posted up in three or more public places in said village, or published in a newspaper therein.

Police
regulations.

§ 14. The said trustees and their successors in office shall have power to make, publish and enforce rules, regulations and ordinances relative to preventing and removing encroachments upon the streets and sidewalks of said village; to regulate, remove, destroy or prevent nuisances; to repress or restrain disorderly houses or houses of ill fame; to prevent the immoderate riding or driving of horses and carriages; to cause to be improved, cultivated, ornamented and kept in good repair and order, all public grounds, squares and other places, now or hereafter to be laid out in said village; to plant and protect ornamental and shade trees in the streets or public grounds; to establish and organize one fire company, consisting of not more than twenty members, and who shall be exempt from military

duty except in cases of insurrection or invasion, and to remove said firemen or any of them and appoint others to fill vacancies ; to prescribe the powers and duties of the company ; to enforce and carry into effect any rule, regulation or proceeding adopted at their annual or special meetings, or either of them ; and they are hereby authorized and empowered to impose and inflict such penalty as they shall deem just and right, not exceeding ten dollars for any one offence.

§ 15. No license hereafter to be granted by the board of excise of the town of Greene to any person living within said village, for the purpose of keeping any store, tavern, inn, grocery, ordinary or victualling house or any house where refreshments, provisions or liquors are to be sold, shall be valid unless a majority of the trustees of said village shall signify their approval, by an endorsement thereon to that effect. Licenses.

§ 16. The trustees, or any two of them, shall have power, and they are hereby authorized, when they think the public safety requires it, to enter into and upon the premises of any inhabitant of said village, and examine any chimney, fireplace, stove or stove pipe, ash houses or any other place where they shall think there is danger that fire may be communicated to any building, and to remove or alter the same at the expense of the owner, so far as the trustees, or a majority of them, shall think the public safety may require. Inspection of fireplaces.

§ 17. Whenever a tax shall be levied for the purpose of flagging sidewalks in said village, any person who may have flagged the sidewalks opposite to his or her premises, in a manner to be approved by the trustees, before the levying of the said tax, shall be exempt from taxation for that purpose to the amount of such improvement, which shall be ascertained by the assessors, and a statement thereof filed in the clerk's office ; and when any person shall produce a certificate from the clerk, of such valuation, the collector shall endorse the amount of such tax thereon, from year to year until the full amount of such appraisal shall be allowed. Tax for sidewalks.

§ 18. The treasurer shall not be authorized to pay any person or persons any money belonging to the said corporation, unless it be upon the receipt of a check from the clerk, countersigned by the president ; and the clerk shall not be authorized to draw, or the president to countersign any such check, unless it be by a vote of a majority of the trustees. Money, how to be drawn.

§ 19. The said trustees, as often as they shall make and publish any by-law for restraining animals, may ordain that such animals may be seized and impounded, and after reasonable delay may be sold at public vendue by the pound master, after five days' public notice, to pay the fine and pound fee. Pound.

§ 20. Pound masters shall be appointed by the trustees, and shall be allowed such fees for impounding and keeping animals as the trustees shall think proper to prescribe, and shall be subject to the same rules and regulations with regard to the sale of Fees of pound master.

animals as are provided for pound masters under the Revised Statutes.

General
powers.

§ 21. Said corporation shall enjoy the privileges, and be subject to the restrictions contained in the third Title of the eighteenth Chapter of the first Part of the Revised Statutes, so far as the same may be applicable to such corporation.

§ 22. This act shall take effect immediately.

CHAP. 243.

AN ACT to confirm the official acts of Hannibal M. Hopkins, a justice of the peace.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Official acts
confirmed.

§ 1. All the proceedings which have been had by and before Hannibal M. Hopkins, as a justice of the peace for the town of Goshen, and all official acts done by him since the first day of January, one thousand eight hundred and forty-two, shall be held to be of the same force and validity as if the said Hannibal M. Hopkins had duly taken the oath of office in the manner and within the time prescribed by law.

Liabilities
and forfeitures
remitted.

§ 2. All liabilities and forfeitures incurred by the said Hannibal M. Hopkins, for having executed any of the duties of the said office of justice of the peace, without having taken the oath of office in the manner and within the time prescribed by law, are hereby remitted.

Saving
clauses.

§ 3. This act shall not affect the right of any party to any suit or legal proceedings which may have been had or commenced in consequence of the invalidity of any proceedings before the said justice, previous to its passage.

§ 4. This act shall take effect immediately.

CHAP. 244.

AN ACT to amend an act entitled "An act to condense and amend the several acts relating to the village of Albion," passed April 1, 1842.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Privileges of
the compo-
sition.

§ 1. Section 22nd of the act entitled "An act to condense and amend the several acts relating to the village of Albion

passed April 1, 1842, is hereby amended so as to exempt the members of fire companies and hook and ladder companies in said village from the performance of military duty, except in case of invasion or insurrection; and the certificate of being such member, under the hand of the clerk of said corporation, made within the year in which such exemption is claimed, shall be presumptive evidence to entitle him to such exemption in all courts.

§ 2. This act shall take effect immediately.

CHAP. 245.



AN ACT to incorporate the Mercantile Mutual Insurance Company

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. William H. Cary, Leonard J. Wyeth, Samuel W. Slo-
cum, Isaac C. Kendall and Robert H. Osgood, of the city of
New-York, and all other persons who may hereafter associate
with them in the manner hereip prescribed, shall be a corpora-
tion by the name of "The Mercantile Mutual Insurance Com-
pany," to be located in the city of New-York. Corporation
created.

§ 2. The persons named in the first section of this act are
hereby appointed commissioners. Commis-
sioners.

§ 3. The corporation hereby created shall possess all the
powers and privileges, and be subject to all the restrictions and
limitations which are granted or imposed upon the "General
Mutual Insurance Company," by the act incorporating that com-
pany, which was passed on the 25th May, 1841. General
powers.

§ 4. This act shall take effect immediately.

CHAP. 246.

*AN ACT to incorporate the Mutual Life Insurance Com-
pany of New-York.*

Passed April 12, 1842, by a two-third vote.

*The People of the State of New-York, represented in Senate
and Assembly, do enact as follows:*

§ 1. William H. Aspinwall, James Brown, John W. Leavitt,
Elihu Townsend, James S. Wadsworth, Philip S. Van Renss-
selaere, Corporation Corporation
created.

laer, Gouverneur M. Wilkins, John V. L. Pruyn, Thomas W. Olcott, Charles L. Livingston, Joseph Blunt, Jacob P. Giraud, John C. Cruger, Alfred Pell, David C. Colden, Jacob Harvey, Robert B. Minturn, Mortimer Livingston, Rufus L. Lord, Arthur Bronson, Henry Brevoort, Theodore Sedgwick, Stacy B. Collins, Robert C. Cornell, James Boorman, James Campbell, William Moore, Morris Robinson, Zebedee Cook, Jr. Jonathan Miller, Fitz-Greene Halleck, John A. King, T. Romeyn Beck, Richard V. DeWitt, Gideon Hawley and James J. King, and all such persons who may hereafter associate with them in the number hereinafter prescribed, shall be a body politic and corporate, by the name of "The Mutual Life Insurance Company in New-York."

Special powers.

§ 2. In addition to the general powers and privileges of a corporation, as the same are declared by the third Title of the eighteenth Chapter of the first Part of the Revised Statutes, the corporation hereby created shall have the power to insure their respective lives, and to make all and every insurance appertaining to, or connected with, life risks, and to grant and purchase annuities. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be,

Real estate.

1. Such as shall be requisite for its immediate accommodation in the convenient transaction of its business; or,

2. Such as shall have been mortgaged to it in good faith, by way of security for loans previously contracted, or for moneys due; or,

3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or,

4. Such as shall have been purchased at sales upon judgments, decrees or mortgages, obtained or made for such debts.

The said corporation shall not purchase, hold or convey real estate in any other case, or for any other purpose: and all such real estate as shall not be necessary for the accommodation of the said company in the convenient transaction of its business, shall be sold and disposed of within six years after the said company shall have acquired title to the same, and it shall not be lawful for the said company to hold such real estate for a longer period than that above mentioned.

Members of the corporation.

§ 3. All persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators and assigns, continuing to be insured in said corporation, as hereinafter provided, shall thereby become members thereof during the period they shall remain insured by said corporation, and no longer.

Affairs how to be managed.

§ 4. All the corporate powers of the said company shall be exercised by a board of trustees, and such officers and agents as they may appoint. The board of trustees shall consist of thirty-six persons, all of whom must be citizens of this state;

they shall elect a president annually, who shall be a member of this corporation; and they shall have power to declare by by-law, what number of trustees less than a majority of the whole, but not less than seven, shall be a quorum for the transaction of business.

§ 5. The persons named in the first section of this act shall constitute the first board of trustees. First trustees.

§ 6. The trustees shall, at their first meeting, divide themselves by lot into four classes of nine each. The term of the first class shall expire at the end of one year, the term of the second class shall expire at the end of two years, the term of the third class shall expire at the end of three years, the term of the fourth class shall expire at the end of four years, and so on successively each and every year. The seats of these classes shall be supplied by the members of this corporation, a plurality of votes constituting a choice, but an insurance of at least one thousand dollars in amount shall be necessary to entitle any member to a vote. This section shall not be construed to prevent a trustee going out from being eligible to a reelection. The board of trustees may fill any vacancies in their number occasioned by death, resignation or removal from the state. The election of trustees shall be held on the first Monday of June in each year, at such place in the city of New-York as the board of trustees shall designate, of which they shall give at least fourteen days' previous notice in two of the public newspapers printed in the said city; and the board of trustees shall at the same time appoint three of the members of the said corporation inspectors to preside at such election, and if any of the said inspectors decline or fail to attend, the trustees may appoint others to fill such vacancies. Classification of trustees.

§ 7. Every person who shall become a member of this corporation, by effecting insurance therein, shall, the first time he effects insurance, and before he receives his policy, pay the rates that shall be fixed upon and determined by the trustees; and no premium so paid shall ever be withdrawn from said company, except as hereinafter provided, but shall be liable to all the losses and expenses incurred by this company during the continuance of its charter. Payments.

§ 8. The trustees may determine the rates of insurance and the sum to be insured. Rates.

§ 9. It shall be lawful for the said corporation to invest the said premiums in the securities designated in the two following sections, and to sell, transfer and change the same, and re-invest the funds of said corporation when the trustees shall deem expedient. Investments.

§ 10. The whole of the premium received for insurance by said corporation, except as provided for in the following sections, shall be invested in bonds and mortgages on unincum- In bonds and mortgages.

bered real estate within the state of New-York; the real property to secure such investment of capital, shall, in every case, be worth twice the amount loaned thereon.

In public
stocks.

§ 11. The trustees shall have power to invest a certain portion of the premiums received, not to exceed one-half thereof, in public stocks of the United States or of this state, or of any incorporated city within this state.

Suits at
law.

§ 12. Suits at law may be maintained by said corporation against any of its members, for any cause relating to the business of said corporation; also, suits at law may be prosecuted and maintained by any member against said corporation for losses by death, if payment is withheld more than three months after the company is duly notified of such losses; and no member of the corporation shall be debarred his testimony as witness in any such cause, on account of his being a member of said company; and no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness in any such cause, on account of his being a member of said company.

Balance
when to be
struck.

§ 13. The officers of said company, at the expiration of five years from the time that the first policy shall have been issued and bear date, and within thirty days thereafter, and during the first thirty days of every subsequent period of five years, shall cause a balance to be struck of the affairs of the company, in which they shall charge each member with a proportionate share of the losses and expenses of said company, according to the original amount of premium paid by him, but in no case to exceed the amount of the premium; each member shall be credited with the amount of said premium, and also with an equal share of the profits of the said company, derived from investments and earnings, in proportion to said amount; and in case of the death of any member of the said company, the amount standing to his credit at the last preceding striking of balance as aforesaid, together with the proportion which shall be found to belong to him at the next subsequent striking of said balance, shall be paid over to his legal representatives or assigns, within three months after the said last mentioned balance shall be struck. Any member of the company who would be entitled to share in the profits, who shall have omitted to pay any premium, or any periodical payment due from him to the company, may be prohibited by the trustees from sharing in the profits of the company; and all such previous payments made by him shall go to the benefit of the company.

General
balance
statement
to be made.

§ 14. On some day in the first thirty days after the expiration of the first five years from the time when the said company shall issue their first policy, and within the first thirty days of every subsequent five years, the officers of the said company shall cause to be made a general balance statement of the affairs of the said company, which shall be entered in a

book prepared for that purpose, which shall be subject to the examination of any member of the company during the usual hours of business, for the term of thirty days thereafter. Such statement shall contain

1. The amount of premiums received during the said period ;
2. The amount of expenses of the said company during the said period ;
3. The amount of losses incurred during the same period ;
4. The balance remaining with the said company ;
5. The nature of the security on which the same is invested or loaned, and the amount of cash on hand.

The said company shall also make and transmit to the Comptroller of the state, on the first day of January in each year, a full statement of its affairs, in the same manner as moneyed corporations are required to do under the second Title of the eighteenth Chapter of the first Part of the Revised Statutes. The books of the said company shall be open to the examination of any member thereof during the usual hours of business, in the same manner as the books of moneyed corporations are required by the Revised Statutes to be kept open for the inspection of the stockholders thereof.

§ 15. The sections of the Revised Statutes, from nineteen to twenty-five, both inclusive, of the first Article of the second Title of the eighteenth Chapter of the first Part, shall not be applicable to the corporation hereby created. Sections of R. S. not applicable.

§ 16. The operations and business of the corporation shall be carried on at such place in the city of New-York as the trustees shall direct. Business where carried on.

§ 17. No policy shall be issued by said company until application shall be made for insurance in the aggregate for five hundred thousand dollars at least, and the trustees shall have the right to purchase for the benefit of the company, all policies of insurance or other obligations issued by the company. Policies when issued

§ 18. The legislature may at any time alter or repeal this act. Right to repeal.

§ 19. This act shall take effect immediately.

bered real estate within the state of New-York ; the real property to secure such investment of capital, shall, in every case, be worth twice the amount loaned thereon.

In public
stocks.

§ 11. The trustees shall have power to invest a certain portion of the premiums received, not to exceed one-half thereof, in public stocks of the United States or of this state, or of any incorporated city within this state.

Suits at
law.

§ 12. Suits at law may be maintained by said corporation against any of its members, for any cause relating to the business of said corporation ; also, suits at law may be prosecuted and maintained by any member against said corporation for losses by death, if payment is withheld more than three months after the company is duly notified of such losses ; and no member of the corporation shall be debarred his testimony as witness in any such cause, on account of his being a member of said company ; and no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness in any such cause, on account of his being a member of said company.

Balance
when to be
struck.

§ 13. The officers of said company, at the expiration of five years from the time that the first policy shall have been issued and bear date, and within thirty days thereafter, and during the first thirty days of every subsequent period of five years, shall cause a balance to be struck of the affairs of the company, in which they shall charge each member with a proportionate share of the losses and expenses of said company, according to the original amount of premium paid by him, but in no case to exceed the amount of the premium ; each member shall be credited with the amount of said premium, and also with an equal share of the profits of the said company, derived from investments and earnings, in proportion to said amount ; and in case of the death of any member of the said company, the amount standing to his credit at the last preceding striking of balance as aforesaid, together with the proportion which shall be found to belong to him at the next subsequent striking of said balance, shall be paid over to his legal representatives or assigns, within three months after the said last mentioned balance shall be struck. Any member of the company who would be entitled to share in the profits, who shall have omitted to pay any premium, or any periodical payment due from him to the company, may be prohibited by the trustees from sharing in the profits of the company ; and all such previous payments made by him shall go to the benefit of the company.

General
balance
statement
to be made.

§ 14. On some day in the first thirty days after the expiration of the first five years from the time when the said company shall issue their first policy, and within the first thirty days of every subsequent five years, the officers of the said company shall cause to be made a general balance statement of the affairs of the said company, which shall be entered in a

book prepared for that purpose, which shall be subject to the examination of any member of the company during the usual hours of business, for the term of thirty days thereafter. Such statement shall contain

1. The amount of premiums received during the said period ;
2. The amount of expenses of the said company during the said period ;
3. The amount of losses incurred during the same period ;
4. The balance remaining with the said company ;
5. The nature of the security on which the same is invested or loaned, and the amount of cash on hand.

The said company shall also make and transmit to the Comptroller of the state, on the first day of January in each year, a full statement of its affairs, in the same manner as moneyed corporations are required to do under the second Title of the eighteenth Chapter of the first Part of the Revised Statutes. The books of the said company shall be open to the examination of any member thereof during the usual hours of business, in the same manner as the books of moneyed corporations are required by the Revised Statutes to be kept open for the inspection of the stockholders thereof.

§ 15. The sections of the Revised Statutes, from nineteen to twenty-five, both inclusive, of the first Article of the second Title of the eighteenth Chapter of the first Part, shall not be applicable to the corporation hereby created. Sections of R. S. not applicable.

§ 16. The operations and business of the corporation shall be carried on at such place in the city of New-York as the trustees shall direct. Business where carried on.

§ 17. No policy shall be issued by said company until application shall be made for insurance in the aggregate for five hundred thousand dollars at least, and the trustees shall have the right to purchase for the benefit of the company, all policies of insurance or other obligations issued by the company. Policies when issued

§ 18. The legislature may at any time alter or repeal this act. Right to repeal.

§ 19. This act shall take effect immediately.

CHAP. 247.

AN ACT to provide for the prompt redemption of the circulating notes of insolvent safety fund banks; to restrict the liability of the safety fund, and for other purposes.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Payments to
be made by
moneyed
corporations.

§ 1. Every moneyed corporation subject to the provisions of the act entitled "An act to create a fund for the benefit of the creditors of certain moneyed corporations, and for other purposes," passed April 2, 1829, and of the acts amending the same, shall, on or before the first day of January, in each of the years eighteen hundred and forty-three and eighteen hundred and forty-four, pay to the treasurer of this state, a sum equal to one-half of one per cent on the capital stock of such corporation, paid in, and shall continue such annual payments until the same, together with the amounts heretofore paid into the treasury, and not applied to the payment of the debts of banking incorporations, shall be sufficient to pay the present liabilities which have become a charge on said fund; after which, every such corporation shall, on or before the first day of January in each year, pay to the treasurer as aforesaid, one-half of one per cent on its capital stock paid in, until the said fund shall amount to three per cent on the capital stock of all corporations so contributing, after deducting all payments made therefrom for any liabilities which may have become chargeable on said fund; and every such corporation which has not contributed to said fund three per cent on its capital, (exclusive of the amount required to be paid by chapter two hundred and ninety-two, of the laws of eighteen hundred and forty-one,) shall also continue its annual contributions of one-half of one per cent each, until said three per cent is paid in; and no moneys so paid into the treasury shall be used, except in the payment of such liabilities, and the salaries of the bank commissioners, while any liability upon said fund remains unpaid.

Circulating
notes of sus-
pended
banks
to be re-
deemed.

§ 2. Whenever the court of chancery, upon the application of the Attorney-General or the bank commissioners, shall have granted an injunction to restrain the ordinary proceedings of any banking corporation or corporations, subject to the said safety fund act, it shall be lawful for the said court, upon the application of one or more of the bank commissioners, to make an order upon the Comptroller, authorizing him to take such measures as he may deem necessary for the immediate payment and redemption of the circulating notes of any such banking corporation or corporations; and upon filing a certified copy of

such order in the office of the Comptroller, it shall be lawful for him to apply any or all of the moneys belonging to the bank fund to the payment and redemption of the circulating notes of such banking corporation or corporations, in the order in which such injunction shall have been granted.

§ 3. All moneys belonging to the said bank fund which may be applied to the payment and redemption of the circulating notes or debts of any banking corporation under the provisions of the preceding sections, together with the interest thereon, shall be repaid to the Treasurer of the state, for the benefit of the said bank fund, out of the first proceeds of the property and effects of the said banking corporation, which may remain after payment of the debts of such corporation, (other than to the stockholders as such,) and the costs of the proceedings under the direction of the court of chancery.

Money to be repaid to bank fund.

§ 4. When the liabilities charged upon the bank fund shall have been discharged, and the said fund replenished by contributions or repayments as aforesaid, or both, to three per cent on the capital stock of all banking corporations contributing thereto, all further contributions to said fund shall be suspended until the same shall be reduced below the said sum of three per cent; in which case, the said payments of half per cent shall be resumed in manner aforesaid, and so on from time to time, as occasion may require.

Contributions by banks when suspended.

§ 5. The said bank fund, after paying the liabilities already charged upon the same, shall be inviolably appropriated and applied to the payment and redemption of such portion of the bank notes, outstanding or in circulation, of any of the said banking corporations, subject to contribute to said fund, which shall hereafter be declared insolvent, and to the payment of such salaries of the bank commissioners as shall from time to time be chargeable on said fund.

Bank fund to be applied to redeem notes.

§ 6. All other debts of any of the said corporations, due or payable on demand at the passage of this act, or contracted before that time, though payable afterwards, shall cease to be a lien or charge upon the said bank fund, as follows:

Other debts of insolvent banks.

1. Such of the said debts as are due or payable on demand at the passage of this act, shall cease to be such lien or charge on said bank fund, in one year after the passage of this act, in case of the subsequent failure of such corporation.

2. Such of the said debts as shall have been contracted before the passage of this act, and which shall become due thereafter, shall cease to be a lien or charge on said bank fund in one year after the same shall become due, in case of the subsequent failure of such corporation.

§ 7. Whenever any portion of the bank fund shall be applied to the payment of any circulating notes, pursuant to the provisions of the foregoing section five, the said bank fund shall be considered a creditor of any bank (for the payment of whose

Bank fund when considered a creditor for payments made.

notes the said fund has been so applied) to the amount of such payment, and shall be entitled to receive its proportion of the moneys to be distributed by the receiver of such bank, to the amount paid; and all payments made from said fund upon the debts provided for in the foregoing sixth section, shall, together with the interest thereon, be repaid to the Treasurer of this state for the benefit of said fund, out of the proceeds of the property and effects of the corporation, (for whose debts such payment has been made,) which may remain after the payment of the debts of such corporation, other than those to the stockholders, as such, and the costs of the proceedings, which repayment shall be made by the direction of the court of chancery.

Amendment of bank fund act.

§ 8. The ninth, tenth and eleventh sections of the act entitled "An act to create a fund for the benefit of creditors of certain moneyed corporations and for other purposes," shall be so amended that wherever the word "debts" occurs in either of said sections, the same shall be stricken out, and the words "circulating notes" inserted.

Repeal.

§ 9. The third section of the act entitled "An act in addition to the act to create a fund for the benefit of the creditors of certain moneyed corporations and for other purposes," passed May 8, 1837, is hereby repealed.

Restriction in relation to hypothecating notes.

§ 10. It shall not be lawful for any moneyed corporation having banking powers, subject to the provisions of the safety fund act, and the several acts amendatory thereof, to pledge or hypothecate with any other corporation, association or individual, the bank notes of such moneyed corporation as a security for a loan or for any liability of such corporation, or to sell such bank notes; and for any violation of this provision such corporation shall be subject to be proceeded against by the bank commissioners, under an injunction from the court of chancery, pursuant to the provisions of the act passed May the eleventh, one thousand eight hundred and thirty-five, to amend the act entitled "An act to create a fund for the benefit of the creditors of certain moneyed corporations, and for other purposes," passed April 2, 1829; and every such pledge or hypothecation shall be void. Every president, cashier, director, or other officer or servant of any such corporation who shall sell, pledge, or hypothecate, or cause to be sold, pledged or hypothecated, any such bank notes, contrary to the provisions of this section, shall, upon conviction, be adjudged guilty of misdemeanor, and shall be punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Penalty for over issues of notes.

§ 11. Every president, cashier, director, or other officer or servant of any moneyed corporation subject to the provisions of the safety fund act, who shall issue or put in circulation, or cause to be issued or put in circulation, the bank notes of such

corporations, to an amount which, together with previous issues, shall leave in circulation or outstanding, a greater amount of such bank notes than such corporation is allowed to issue and circulate, according to the provisions of the act entitled "An act suspending for a limited time certain provisions of law and for other purposes," passed May 16, 1837, shall, upon conviction, be adjudged guilty of misdemeanor, and shall be punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

§ 12. If any banking corporation, or corporations subject to the provisions of the safety fund act, shall, within six months after the passage of this act, pay into the treasury of this state a sum not less than two per cent nor more than three per cent, on the capital stock thereof, towards the contributions required by this act, such corporation or corporations shall be permitted to make the whole or any part of such payment in the bank notes of any banking corporation against which an injunction has been granted; and no further contributions shall be required of the corporation, or corporations making such payment until the corporations liable to contribute to said fund, shall have paid in the like per cent upon their respective capitals; and the said corporation or corporations so paying in advance, shall be entitled to a rebate of the interest on the sum so advanced by them from the time of such advance up to the time when the same would have been payable by the provisions of this act.

Certain payments may be made in notes of suspended banks.

§ 13. It shall be the duty of the Comptroller to provide funds to pay to the creditors of insolvent banking incorporations, whose debts or notes are a charge upon the bank fund, the amount already paid into the treasury and belonging to the bank fund; and for that purpose it shall be lawful for him to issue to the Treasurer of this state, transferable certificates of stock in the manner prescribed by chapter three hundred and twenty of the laws of eighteen hundred and thirty-one, redeemable at any time not exceeding two years from the date thereof, to be specified in such certificates, bearing an interest of seven per cent per annum, payable quarterly, to the amount so required to be provided, and deliver the same to the Treasurer, who shall thereupon cancel the certificates of stock heretofore issued to him in trust for the said fund.

Duty of Comptroller.

§ 14. The Comptroller and Treasurer may, thirty days after the passage of this act, exchange such certificates of stock for the outstanding bank notes of any banking corporation subject to the provisions of the safety fund act, against which an injunction has, or shall be hereafter issued, according to their priority of lien on said fund, or they may sell or dispose of the same at auction or otherwise, on the best terms which they can obtain, giving thirty days' notice of such sale, by a notice to be published in the state paper and such other papers as they shall

Power of Comptroller and Treasurer.

deem proper ; and any bank, association, or individual or individuals within this state may exchange any such bank notes, (reference being had to their priority of lien as aforesaid) for any stock to be issued by virtue of this act, and purchase and hold such stock ; but such stock shall not be sold for less than par.

Surplus how
divided.

§ 15. After the payment of all liabilities charged upon the said bank fund, and the replenishment thereof to the amount of three per cent as aforesaid, any surplus arising from contributions or repayments thereto, shall be divided among the several banking corporations then in operation, in proportion to their respective contributions.

Repeal.

§ 16. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 17. This act shall take effect immediately.

CHAP. 248.

AN ACT to authorize the children of Alexander McDonell, deceased, to hold certain real estate.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

May hold
real estate.

§ 1. That it shall be lawful for Helen McDonell, Ana Maria McDonell and Ann McDonell, children of Alexander McDonell, late of Glengary, in Canada, deceased, to hold any lands or real estate that their father was entitled to at the time of his death, and to dispose of the same by deed, devise, or otherwise, in the same manner that natural born citizens could take, hold and dispose of the same.

CHAP. 249.

AN ACT for the relief of Samuel Hart and William Cande.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Canal board
to hear and
determine
claim.

§ 1. The canal board are hereby authorized and required to hear and determine the claim of Samuel Hart and William Cande, accruing under the contract for the construction of section number three of the New-Minden feeder, in consequence of the abandonment of the contract on the part of the state, and to allow to the said Hart and Cande, all such damage as they shall consider just and equitable ; and allow them a relative

value price for all materials necessarily procured and not used in consequence of such abandonment.

§ 2. The commissioners of the canal fund are required to pay ^{Money when to be paid.} to the said Samuel Hart and William Cande, or their legal representatives, all such sums of money found due to them, according to the provisions of the preceding section, out of any moneys appropriated for the enlargement and improvement of the Erie canal.

CHAP. 250.

AN ACT to authorize an amendment of the inspectors' minutes of the election of justices of the peace of the town of Sharon.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The inspectors of the town meeting held in the town of Sharon, in the county of Schoharie, on the fifteenth day of February, eighteen hundred and forty-two, are severally authorized to amend their minutes on file, by designating Dighton Z. Mosher as elected for four years, and John Kling as elected to supply the vacancy of Jesse N. Eaton ; which minutes so corrected, shall have the same effect as if originally entered as amended. ^{Minutes to be amended}

CHAP. 251.

AN ACT altering the time for holding the several terms of the courts of common pleas and general sessions of the peace of the county of Ontario.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The terms of the courts of common pleas and general ^{Terms.} sessions of the peace, in and for the county of Ontario, shall hereafter be held on the Mondays preceding the third Tuesdays of May, August, November and February, in each year, instead of the terms heretofore by law directed to be held.

§ 2. All writs, process, notices and recognizances, or other ^{Writes and process.} proceedings in said courts of common pleas and general sessions of the peace, returnable, or to be heard, at or for the next May term of said courts, shall be considered as for the Monday preceding the third Tuesday in May next.

§ 3. This act shall take effect immediately.

CHAP. 252.

AN ACT to incorporate the *St Joseph's Orphan Asylum Society of the city of Albany.*

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation
created.

§ 1. All such persons as now are, or may hereafter become members of the *St. Joseph's Orphan Asylum Society*, in the city of Albany, shall be and are hereby constituted a body corporate, by the name of the *St. Joseph's Orphan Asylum Society* in the city of Albany," for the purpose of providing relief, maintenance and education to orphan and destitute children of the city and county of Albany.

Children
may be
bound out.

§ 2. When a child shall be surrendered to the care and custody of the said corporation, by the parent or guardian of such child, the managers may bind out such child, being of the full age of eight years, to some suitable employment, in the same manner as overseers of the poor are authorized to bind out poor and indigent children ; but provision shall be inserted in the indentures of said child for securing an education suitable for such child.

Guardian.

§ 3. In case of the death of the father of any destitute child, the mother shall be the guardian of said child, for the purpose of surrendering the said child to the care and custody of the managers of said corporation ; and in case of the death of both parents, the mayor of the city of Albany shall be ex officio the guardian of said child, with full powers to surrender the same to the said managers, for the purpose of enabling said managers to bind out said child.

Gifts, grants
or bequests.

§ 4. The said corporation may take, hold and enjoy, by gift, grant, bequest or devise, personal and real estate, the annual value of which shall not at any time exceed three thousand dollars.

General
powers.

§ 5. The said corporation shall possess the general powers and be subject to the provisions contained in Title third of Chapter eighteen of the first Part of the Revised Statutes, so far as the same are applicable and have not been repealed.

§ 6. This act shall take effect immediately.

Right to
repeal.

§ 7. The legislature may at any time modify or repeal this act.

CHAP. 253.

AN ACT for the relief of John H. Boyd.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The canal appraisers are hereby authorized and required to ascertain the amount of damages, if any, sustained by John H. Boyd in consequence of there being erected by the state, a dock or pier to protect the lower lock of the Champlain canal in the village of Whitehall, and to award to the said John H. Boyd the amount of damages, if any, subject to the provisions of the statute in relation to the appraisal of damages in other cases. Damages to be appraised

§ 2. The commissioners of the canal fund are required to pay the said John H. Boyd, or his legal representatives, the amount of such award, if any, found in accordance with the provisions of the preceding section out of any moneys belonging to the Erie and Champlain canal fund. Money to be paid.

CHAP. 254.

AN ACT for the further relief of the Eye Infirmary of the city of New-York.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The Treasurer shall pay on the warrant of the Comptroller, annually on the first Monday of May in each year, for five years, to the president and directors of the New-York Eye Infirmary, from the income of the United States deposit fund, the sum of one thousand dollars, to be applied by them to the purpose of enabling the managers and physicians of that institution more fully to grant relief to those indigent patients who may apply, from various parts of the state, to the institution for professional aid. Money to be paid.

§ 2. The second and third sections of the act for the relief of the Eye Infirmary of the city of New-York, passed April 12, 1824, shall be and continue in full force. Duration of act.

§ 3. This act shall take effect immediately.

CHAP. 255.

AN ACT in relation to the town house in the town of Augusta, in the county of Oneida.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Money to be
raised by
tax.

§ 1. At the next annual meeting of the board of supervisors of the county of Oneida, the said board shall impose a tax upon the taxable persons and property in the town of Augusta, in the county of Oneida, sufficient to raise the sum of three hundred and fifty dollars ; which said tax shall be imposed and collected in the same manner that the county tax is imposed and collected. When the said sum of three hundred and fifty dollars is collected by the town collector, it shall be paid by him to the town clerk, to be applied by him to the removal and repair of the town house in said town of Augusta.

House may
be removed.

§ 2. The supervisor, the town clerk and the assessors of the said town of Augusta, are hereby authorized to remove said town house to any place in said town which they may deem most advantageous.

CHAP. 256.

AN ACT to authorize and provide for the erection of a new jail in the county of Steuben.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Commission-
ers to be
appointed.

§ 1. The board of supervisors of the county of Steuben, at any special or annual meeting thereof, are hereby authorized and empowered to appoint three commissioners for the purposes, and who shall possess the powers and perform the duties specified in this act.

They may
sell jail and
lot.

§ 2. The said commissioners so appointed are hereby authorized to sell the present jail of the said county and the lot of land belonging to the said county on which the said jail is situated, for the highest price that can be obtained therefor, and on the best terms that can be procured ; or to exchange the same for such other lot in the village of Bath, of a proper size and location for a new jail, on such terms as may be reasonable, and the best that can be obtained.

Deed to be
executed.

§ 3. Upon such sale or exchange, the said commissioners are authorized and required to execute and deliver to the purchaser of the said jail and lot, a deed conveying the title to the

same in fee to such purchaser, which said deed, when so made and delivered and ratified by a resolution of the said board of supervisors, shall invest the title thereto, in such purchaser in fee; but in case the said commissioners shall exchange the said jail and lot for another lot in said village as aforesaid, the deed therefor shall not take effect unless the title to the lot so received in exchange, shall be free from all incumbrances whatever.

§ 4. Upon a sale of the said jail and lot, the said commissioners are hereby authorized and empowered to purchase a lot in the village of Bath, of a proper size and location for the site of a new jail for said county, and upon such purchase or upon an exchange as aforesaid, the said commissioners shall require the owner thereof, to convey the same to the board of supervisors of said county, and their successors in office, by good and sufficient warrantee deed. Site for new jail to be purchased

§ 5. It shall be the duty of the said commissioners, under the direction of the board of supervisors of said county, to locate the site of a new jail for said county, and to make and file in the office of the clerk of said county, the plan and specifications of such new jail, according to which plan and specifications the same shall be erected unless otherwise directed by the board of supervisors; and the said commissioners shall thereupon proceed to contract for the erection of such new jail, under their superintendence, in such manner as they shall deem best calculated to obtain contracts on the most favorable terms. Jail how to be erected.

§ 6. Before entering upon the discharge of their duties, the said commissioners shall take the usual oath of office before the clerk of the said county, and shall file in the office of the said clerk, a bond, to the board of supervisors, signed by them and by sufficient sureties, to be approved by the president of the said board of supervisors, or by the first judge in said county, in the penal sum of ten thousand dollars, conditioned for the faithful discharge of their duties under this act. Oath of office to be taken.

§ 7. The said commissioners, or the survivor or survivors of them, shall annually render to the board of supervisors of said county, until the said new jail shall be completed and accepted by said board, an account of all their proceedings and expenditures in detail. To account annually.

§ 8. The board of supervisors shall, at all times during the continuance of the office of such commissioners, possess the power to remove the said commissioners, or any of them, for good cause, to be shown to and approved by them, and entered upon the minutes of their proceedings, and to fill the vacancies in the said board of commissioners which may be occasioned by any cause whatever. Every person appointed to fill such vacancy, shall take the oath before prescribed, and give to the board of supervisors such surety as they shall prescribe, and file the bond in the office of the clerk of the county. Supervisors may remove commissioners.

Their compensation to be fixed.

§ 9. The board of supervisors of said county shall fix the compensation to be paid to the said commissioners for their services, and shall audit and pay their accounts for such services in the same manner as other county charges are audited and paid.

Money to be raised by tax.

§ 10. The board of supervisors of the said county are hereby authorized and required to assess, and cause to be levied and collected and paid into the treasury of said county, in annual instalments, such sum of money as shall be necessary to be expended for the site and erection of such new jail, after applying to that purpose the proceeds of the sale of the present jail and jail lot, which sum, exclusive of the compensation of the said commissioners, shall not exceed four thousand dollars, nor shall the sum assessed in any one year exceed two thousand dollars. The said instalments shall be assessed, levied and collected in the same manner as other county charges are.

How to be applied.

§ 11. The moneys so levied and collected shall be applied to the erection of the said new jail, and to no other purpose; and the county treasurer shall pay the same on the draft of the said commissioners, in favor of the persons entitled thereto, and such persons, upon the receipt of the money, shall give to the treasurer a voucher therefor, showing for what the payment was made.

Accounts to be settled.

§ 12. After such new jail shall be completed, and accepted by the board of supervisors, the said commissioners shall render to the said board, a full account of their proceedings and expenditures, and shall make a final settlement with the said board; and when such settlement shall have been made, and the accounts adjusted to the satisfaction of the said board, and not before, the bonds given by the said commissioners, or any of them, shall be cancelled.

§ 14. This act shall take effect immediately.

CHAP. 257.

AN ACT for the relief of the county of Kings from the support of foreign poor.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Examination relative to paupers suspected to be foreigners

§ 1. If any pauper shall hereafter be sent to the poor house of the county of Kings, and any one of the superintendents of the poor in the said county shall suspect such pauper to be a foreigner, and to have been within the next preceding two years brought from such foreign port, and originally landed in the city

of New-York; such superintendent shall notify the other superintendents of the said county; who, or a majority of them, shall inquire into the facts, and if they are of opinion that such pauper is a foreigner, and that he on his original importation was landed in the city of New-York, within two years next preceding as aforesaid, such superintendents, or any of them, may at any time thereafter give notice thereof in writing to the commissioners of the alms house and bridewell of the city of New-York, or any one of them, which notice shall set forth the name and age of such pauper, and the time when such pauper was landed in the port of New-York, as near as may be, with the name of the vessel in which such pauper arrived, and containing a request to the said commissioners to provide for the relief and support of such pauper.

§ 2. The said commissioners of the alms house and bridewell of the city of New-York, may, at any time after receiving such notice, cause the said pauper to be brought to the said city and there provide for his or her support; and until the said commissioners shall take charge of the support of such pauper, the said superintendents, or their agents, shall provide for his or her relief and support, as in cases of county paupers; and the mayor, aldermen, and commonalty of the said city of New-York, shall pay the said county of Kings a fair and reasonable compensation for the maintenance and support of such pauper, and of such child or children of such pauper as may have been born subsequent to his or her importation, from time of the service of such notice, until the expiration of two years from and after the importation of such pauper.

§ 3. The mayor, aldermen and commonalty of the city of New-York, shall in no case be liable for the support of any pauper, as provided in the preceding section of this act, unless the said mayor, aldermen and commonalty shall have been indemnified for the support of such pauper according to the act entitled "An act to reduce several laws relating particularly to the city of New-York into one act," passed April 9, 1813, or unless the said mayor, aldermen and commonalty shall have compounded for the support of such pauper.

§ 4. If any such pauper shall have been reported in writing to the said mayor or recorder of the said city, by any master or commander of any vessel according to the provisions of the two hundred and fifty-first section of the above mentioned act, such report shall in all cases be conclusive evidence that the said mayor, aldermen and commonalty have been indemnified, or have compounded for the support of such pauper as mentioned in the third section of this act.

§ 5. This act shall take effect immediately.

Duty of commissioners of alms house New-York.

Corporation of New-York not liable to support certain paupers.

Evidence of indemnification.

CHAP. 258.

AN ACT for the improvement of the state road from Rome to Sackett's Harbor.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Towns may borrow money.

§ 1. The towns of Rome, Annsville and Florence, in the county of Oneida, and of Redfield and Boylston in the county of Oswego, are hereby authorized and empowered to borrow, the four towns first named, the sum of two thousand dollars each, and the last named, the sum of one thousand dollars, to be expended, as hereinafter directed, in the improvement of the state road from Rome to Sackett's Harbor, lying within the said towns respectively.

Bonds to be executed.

§ 2. The supervisor and commissioners of highways of each of the said towns shall execute, on behalf of their respective towns, under their hands and seals, a penal bond, in the usual form, conditioned to pay the moneys so borrowed, in ten annual instalments, from the date of the said bonds respectively, with legal interest, to be paid annually on the whole sum remaining unpaid, to the lender or lenders thereof, who shall deposite the same in the Bank of Rome, to the credit of the town so borrowing, taking the receipt of the cashier thereof, on such bonds for the amount so deposited.

Supervisors of Oneida and Oswego counties to raise money.

§ 3. The board of supervisors of the counties of Oneida and Oswego, shall cause the several amounts, with the interest, annually falling due on said loans, from each town within their respective county, according to the tenor of the bonds, to be annually assessed, levied and collected on such towns, as other town charges are levied and collected, and the county treasurer of each of the said counties shall respectively pay the same, to the obligee or obligees named in each bond, or to his or their representatives ; the first instalment, with interest from the date of the bond, to be paid on the first day of March following the date of each bond, and an instalment with the interest as aforesaid, on the whole sum remaining unpaid, on the same day in each of the nine succeeding years.

Repairs and improvements to be made by contract.

§ 4. The supervisor and commissioners of highways of each of the said towns, shall make specifications of such repairs and improvements of the said road, lying within their respective towns, as they shall judge fit ; shall let the same to contract to the lowest bidder, who shall give security approved by them for the performance of his contract, (giving at least thirty days' public notice, previously to such letting,) in such sections as they may judge proper ; the aggregate amount of contracts in any town not to exceed in amount the sum of money borrowed

by such town as aforesaid. They shall make their joint drafts on the said bank in favor of any contractor, for such sums of money as may from time to time become in their opinion justly due to such contractor for work done according to contract; no part of said money so borrowed shall be expended, except in payment of contracts made as aforesaid, and except to pay the compensation to such general overseer or superintendent of the work throughout the whole line through said towns, as they may mutually agree to appoint; the said towns contributing equally out of the said fund, to make up such compensation, for services performed under this act, they shall be paid by the town, at the same rate and in the same manner as for other services performed by virtue of their offices. Previously to letting to contract the repairs of said road, the commissioners of highways shall examine and inspect the route of said state road in their respective towns; and they are hereby empowered, in their discretion, to make such alteration or deviation therefrom as they may deem expedient, or for the interest of the town; and after establishing and opening such alteration of, or deviation from the present route, as highways of the town, according to law, to expend the said money in the making or improving thereof.

§ 5. After the said road has been improved as aforesaid, it shall be lawful for each of the said towns, at any annual town meeting, to direct their commissioners of highways to erect and maintain, at such place on the said road in their town as they may judge fit, one toll gate; to appoint one toll gatherer, (removable at their pleasure,) to collect at such gate from all persons using the said road, tolls not exceeding the following rates: For every vehicle or carriage of any description, drawn by one animal, six cents; and drawn by more than one animal, twelve and a half cents; when designed or used at the time, chiefly for the conveyance of man, double the above rates; for every horse and rider, or led horse, five cents; for every horse, mule or neat cattle, and every half score of sheep or hogs, two cents; the toll-gatherer may detain and prevent from passing through his gate, any carriage or animal subject to toll, until the toll thereon is paid. Any person who shall wilfully break or throw down any gate on such road, or forcibly or fraudulently pass any gate thereon, without having paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage or animal, turn out of said road, or pass any gate thereon, on ground adjacent thereto, and again enter on such road, shall, for each offence, forfeit the sum of ten dollars, to the commissioners of highways of the town in which such gate is situated; no toll shall be exacted at any gate from any person residing in the town in which such gate is situate, which shall be the sole exemption. If, in any year, a majority of the said towns shall, at their respective annual town meetings,

Toll gates
and rates of
toll.

Penalty.

Tolls may be
suspended.

pass a resolution objecting to the collection of tolls during the ensuing year, then the collection of tolls on said road shall be suspended until the next annual town meeting. Any town may relinquish or neglect to exercise the right to erect a gate and collect tolls. The commissioners of highways of each of the said towns shall on the first Monday of January in each year, pay the whole amount of tolls collected in their town during the preceding year, deducting only the compensation paid to the toll-gatherer, to the treasurer of the county of Oneida, who shall pay one-fifth of the whole amount to each of the said towns.

Duty of
treasurer of
Oneida
County.

§ 6. The treasurer of the county of Oneida shall file in the county clerk's office, an account of moneys paid in each year to each town, for their proportion of tolls; and whenever any of the said towns shall be reimbursed for all moneys with interest advanced on account of said loan, then all authority to collect tolls in such town under this act shall cease.

Superintend-
ence and re-
pairs of road

§ 7. The commissioners and overseers of highways in each town shall have the same charge of superintendence and repairs of said road, as if this act had not been passed; and they are hereby empowered, at any time within three years from the passage of this act, where the said road, or any deviation therefrom as aforesaid, passes through woods, to cause to be made an opening of two rods in width on each side of the said road, or road deviating therefrom as aforesaid, in their respective towns, where they shall judge fit; the trees felled for the purpose, to be for the proper use of the owner or occupant of the land on which they are cut, except such of them as may be requisite or used to make or repair the said road or bridges on the same land.

Act to be
approved be-
fore being
accepted.

§ 8. This act shall not take effect until accepted and approved by the towns of Florence, Redfield and Boylston, at a special town meeting, hereby authorized to be convened for that purpose according to law; and a copy of a resolution of such acceptance and approval, signed by the presiding officers of such meetings, shall have been served on the treasurers of the counties of Oneida and Oswego, and filed in the clerk's office of each county.

CHAP. 259.

AN ACT for the reduction of the capital stock of the National Fire Insurance Company in the city of New-York.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The president and directors of the National Fire Insurance Company, in the city of New-York, are hereby authorized to reduce the capital stock of said company to one hundred and fifty thousand dollars, and to fix the par value of the shares at thirty-seven and a half dollars each, with the privilege to divide among the stockholders, from time to time, any surplus that may be realized beyond the said sum of one hundred and fifty thousand dollars.

Stock may be reduced to \$150,000.

§ 2. This act shall take effect immediately.

CHAP. 260.

AN ACT to authorize the trustees of the new state hall to settle certain accounts.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The trustees of the new state hall are authorized to settle the accounts for the expenditures on the old state hall, in painting and repairing it for the reception of the geological museum, and to make a just allowance for the same; and the sum ascertained by the board to be due for such repairs shall be paid by the Treasurer, on the warrant of the Comptroller, out of any moneys in the treasury not otherwise appropriated.

Accounts to be settled.

§ 2. The said trustees of the new state hall are authorized to settle according to the rule prescribed in the first section of this act, the expenses for the necessary furniture for the rooms occupied by the clerk of the supreme court, the register in chancery and the chancellor, and for the executive chamber.

Furniture for certain rooms.

§ 3. This act shall take effect immediately.

CHAP. 261.

AN ACT to incorporate the Colosse Hydraulic Company.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation created.

§ 1. All persons who shall become stockholders pursuant to this act, are hereby constituted a body corporate, by the name of the Colosse Hydraulic Company.

Capital stock.

§ 2. The capital stock of said company shall be five thousand dollars, with the privilege of extending the same to twenty thousand dollars, to be divided into shares of twenty-five dollars each.

Affairs how to be conducted.

§ 3. The affairs of said company shall be conducted by nine directors, who shall be stockholders in said company, and be chosen annually, on the first Tuesday of September, at such place in the village of Colosse as shall be appointed by the board of directors.

Directors to be elected by ballot.

§ 4. The directors shall be chosen by ballot; and each stockholder shall be entitled to one vote for each share of stock held by him; and a majority of votes given shall be necessary to a choice.

First directors.

§ 5. Until the first Tuesday in September, in the year one thousand eight hundred and forty-two, Cyrus Allen, Sidney D. Markham, Leander Parkhurst, Alvin Richardson, Charles L. Webb, William A. Bates, Thomas Webb, Artemas Church, and John M. Richardson shall be directors of said company, and continue to be directors until others shall be chosen, according to the provisions of this act.

President.

§ 6. The directors of said company shall appoint one of their number to be president of said company; and should an annual election for directors not be held, pursuant to the provisions of this act, the directors for the time being shall continue in office until others shall be elected.

Subscriptions to stock.

§ 7. The directors named in this act, or any five of them, shall be commissioners for receiving subscriptions and distributing stock; and on such days and at such places as they may appoint, shall open books to receive subscriptions to the capital stock of said company, and may continue the same open until the whole of the capital stock shall be subscribed.

Calls on stockholders

§ 8. It shall be lawful for the directors to require payment of the sums subscribed to the capital stock, at such times and in such proportions and on such conditions as they shall see fit, under the penalty of the forfeiture of all previous payments thus required.

Canal, ditch or dyke may be constructed.

§ 9. The said corporation may construct a canal, ditch, or dyke, of sufficient capacity to convey water for flouring mills, and any other purpose of machinery, and to build bulk-heads, &c.

The water to be taken from the pond of Nicholas E. Chambers, and conveyed through the village of Colosse, and returned into the Little Salmon creek, near the said village, by the most direct and convenient route, as the directors shall direct.

§ 10. The said corporation shall possess the general powers and be subject to the liabilities and restrictions a corporation is, as defined in the third Title of the eighteenth Chapter of the first Part of the Revised Statutes, except so far as the same shall be altered by this act. General powers.

§ 11. This act shall take effect immediately, and may at any time be altered or repealed by the legislature. Right to repeal.

CHAP. 262.

AN ACT to confirm the official acts of Henry Frazee, a justice of the peace.

Passed April 12, 1842.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

§ 1. All proceedings which have been had by and before Henry Frazee, as a justice of the peace of the town of Greenbush, in the county of Rensselaer, and all official acts done by him since the 31st day of December, 1841, shall be held to be of the same force and validity as if the said Henry Frazee had duly taken the oath of office in the manner and within the time prescribed by law. Official acts confirmed.

§ 2. All liabilities and forfeitures incurred by the said Henry Frazee for having executed any of the duties of said office of justice of the peace, without having taken the oath of office in the manner and within the time prescribed by law, are hereby remitted. Liabilities and forfeitures remitted.

§ 3. This act shall not affect the right of any party to any suit or legal proceedings which may have been had or commenced, in consequence of the invalidity of any proceedings before the said justice, previous to its passage. Savings clause.

§ 4. This act shall take effect immediately.

CHAP. 263.

AN ACT *altering the time for holding the circuit court and court of oyer and terminer in and for the county of Warren.*

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Term.

§ 1. The circuit court and court of oyer and terminer for the county of Warren, shall be held on the second Wednesday after the first Monday in October next, instead of December, as now ordered by the circuit judge.

CHAP. 264.

AN ACT *regulating the inspection of green hides and skins in certain places.*

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Qualifications of inspectors.

§ 1. Article fifteenth of Title second of Chapter seventeenth of Part first of the Revised Statutes, is amended so as to read as follows : The person to be appointed inspector of green hides and skins in each of the cities of Albany, Hudson, Troy, Schenectady, and Rochester, and in the villages of Catskill, Lansingburgh, and Waterford, shall be an experienced manufacturer of leather, residing in the said city or village for which said appointment shall be made.

Of their deputies.

§ 2. The deputies to be appointed by said inspectors shall also be experienced manufacturers of leather.

§ 3. This act shall take effect immediately.

CHAP. 265.

AN ACT to incorporate the Susquehanna Centre Bridge Company.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All persons who shall become stockholders of the corporation created by virtue of this act, are hereby constituted a body corporate by the name of the "Susquehanna Centre Bridge Company," for the purpose of building a toll bridge across the Susquehanna river, in the town of Colesville, Broome county, on the most eligible site between the dwelling houses of Samuel Doolittle and John Lackeys. Corporation created.

§ 2. The capital stock of the said corporation shall be five thousand five hundred dollars, to be divided into two hundred and twenty shares of twenty-five dollars each, which shall be deemed personal property, and shall be transferable in such manner as the corporation shall in its by-laws direct ; and Hiram Blaklee, Jonathan T. Wasson, David Bartow, Jonas Abbott, Nathan Noble, John Freeman, Samuel Doolittle, Freeman Putnam and William Doolittle, are hereby appointed commissioners to receive subscriptions at such time and place in the town of Colesville, as they, or a majority of them, shall designate, on public notice thereof given. Capital stock.

§ 3. If the whole of the capital stock shall not be taken at the time appointed for opening the book of subscription, the said commissioners may receive further subscriptions at such other time as they may appoint, until the whole capital stock shall be taken up, and the persons subscribing for the stock shall pay the said commissioners at the time of subscribing, one dollar on each share by them respectfully subscribed. Further subscriptions.

§ 4. The stockholders shall meet at such time and place as the said commissioners may designate, for the purpose of choosing directors for said corporation, such election shall be by ballot and by a plurality of votes of the stockholders and their proxies then present, one vote to each share of stock. Election of directors.

§ 5. The said commissioners shall pay over to the directors all moneys that may have been received by them, and the directors shall have power to require the stockholders respectively to make payment of all sums of money by them subscribed at such times and in such proportions as said directors shall see fit, under pain of forfeiture of the shares upon which such payments are required, and all previous payment thereon, to the corporation. Money to be paid to directors.

§ 6. As soon as the said bridge shall be completed, and a certificate from any two of the judges of Broome county shall be filed in the office of the clerk of said county setting forth Rates of toll.

that said bridge is well and sufficiently constructed for the safe passage for loaded waggons and other carriages, the directors may erect a gate at either end of the said bridge, and demand and receive the following rates of toll from all persons passing over said bridge :—For every waggon or other carriage drawn by one horse or other animal, six cents ; for every additional horse or other animal, two cents : for every sleigh or sled drawn by one horse or other animal, four cents ; and for every additional horse or other animal, two cents : for every horse and rider, three cents : for every score of horses or cattle, twenty cents, and in that proportion for a greater or less number : for every score of sheep or swine, eight cents, and in that proportion for a greater or less number : for every footman, one cent.

List of the
rates of toll
to be put up.

§ 7. The said corporation shall cause to be affixed, in a conspicuous place at the end of said bridge near the toll gate, a list of the rates of toll that may be lawfully demanded, and if any person shall forcibly pass the gate without having paid the legal toll, such person shall forfeit and pay to the said corporation two dollars with costs of suit ; and if any toll gatherer shall unreasonably delay or hinder any passenger or traveller at the gate or shall demand or receive more than the legal toll, such toll gatherer shall forfeit for every such offence, the sum of five dollars, to be recovered with costs, to the use of the person so unreasonably delayed, hindered or defrauded.

Bridge, how
to be built,
&c.

§ 8. The bridge shall be built in such manner as not to injure or impede the passage of rafts, boats or other craft navigating said river ; and if the bridge shall not be completed within four years from the passage of this act, or after the same shall have been completed shall become impassable for the term of thirty days for the want of repairs, unless carried away by unavoidable accident or taken down for the purpose of being rebuilt, or if the same shall not be rebuilt within eighteen months, then, in either event, the corporation shall be dissolved, and the said bridge shall become a public bridge, and may be maintained at the expense of the county of Broome.

General
powers.

§ 9. The corporation hereby created shall possess the powers and be subject to the provisions of the eighteenth Chapter of the first Part of the Revised Statutes, so far as the same are applicable and have not been repealed.

Duration.

§ 10. The corporation hereby created shall continue twenty years, and the legislature may at any time alter or repeal this act.

§ 11. This act shall take effect immediately.

CHAP. 266.

AN ACT *authorizing the town of West-Turin to construct a bridge across the Black river.*

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The town of West-Turin in the county of Lewis, is hereby authorized to construct a bridge across the Black river, at or near the High falls, and for that purpose to raise by tax in the same manner as the town charges are levied and raised, such sum or sums of money as its inhabitants qualified to vote at town meetings see fit to raise, not exceeding in all the sum of eight hundred dollars. Bridge may be built and money raised

§ 2. The money when raised shall be paid over to the commissioners of highways of said town, to be by them expended for the purpose aforesaid, and in pursuance of the vote or resolution of the town meeting raising the same. Money to whom paid.

§ 3. A special town meeting may at any time be called by the supervisor, town clerk and assessors of said town for the purpose aforesaid, giving ten days' notice thereof in writing fixed up in five of the most public places in said town. Special town meeting.

§ 4. This act shall not confer any authority to construct said bridge, unless the said town shall at the town meeting voting the said tax, authorize by a resolution the commissioners of highways to construct the same. Saving clause.

§ 5. This act shall take effect immediately.

CHAP. 267.

AN ACT *authorizing Aaron Davis to change the channel of the Genesee river, in the town of Portage.*

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Aaron Davis, of the town of Portage in the county of Allegany, is hereby authorized to change the course of the Genesee river, by making a channel across lots number two hundred and twenty-three and two hundred and twenty-four, in said town, commencing at or near the mouth of the cove, which discharges into the river near the south line of lot number two hundred and twenty-three ; thence running in a northeasterly direction, to its intersection with the present channel of the river. Course of river may be changed.

Damages to
be repaired.

§ 2. If in consequence of such alteration of the river, a change in the location of any road or roads shall become necessary, or if any land shall be appropriated, for which damage may be claimed, said Davis shall defray the expenses attending the construction and relocation of such road or roads, and also the damage for lands appropriated; such expense and damage to be determined by the commissioners of highways of said town.

§ 3. This act shall take effect immediately.

CHAP. 268.

AN ACT to amend an act entitled "*An act to incorporate the Clyde High School,*" passed April 24, 1834, and for other purposes.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Amendment
of first sec-
tion of act of
1834.

§ 1. The first section of the act entitled "*An act to incorporate the Clyde High School,*" passed April 24, 1834, is hereby amended by striking out the words "fourteen and," in the first line, so that the said first section when amended shall read as follows: School district number seventeen, in the town of Galen in the county of Wayne, shall form a permanent school district, not subject to alteration by the commissioners of common schools of said town of Galen, and shall hereafter be known by the name of "*The Clyde High School.*"

Rooms may
be rented.

§ 2. The trustees of said Clyde High School may from time to time rent or lease for scholastic purposes such rooms or apartments in their school house, as in their judgment may not be required for the use of schools therein established by them.

School dis-
trict No. 14
a common
school.

§ 3. School district number fourteen in the said town of Galen, is hereby restored to its original rights and liabilities as a common school district in said town: but nothing in this act contained shall be construed to authorize or empower said school district number fourteen to demand, have or receive, any return or restitution from the Clyde High School, of the moneys heretofore appropriated or expended by them in the purchase of the lot or the erection, of the school house thereon in the said Clyde High School district.

§ 4. This act shall take effect on and after the first day of May next.

CHAP. 269.

AN ACT for the relief of Samuel Farwell.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. If the canal board shall be of opinion that the contract of Samuel Farwell, contractor for building all the bridges over the enlarged Erie canal, between the basin east of Genesee-street and the Nail Creek culvert, in the city of Utica, was more expensive in its execution than was contemplated by the canal commissioners and said contractor, at the time said contract was entered into, in consequence of the more complete and perfect manner of executing the stone masonry included in said contract, and a change in the manner of its execution from that of former state works of the kind, the said board is authorized to allow to said Farwell such sum beyond the contract price for the stone masonry performed by him, as in the opinion of said board will be a just compensation for the same, having reference to the price paid for other work embraced in said contract.

Allowance may be made Farwell for bridges.

§ 2. If the said board shall be satisfied that the engineer having charge of the work at the time the said bridges were constructed, agreed to pay to the said Farwell, for constructing iron railing on two of the said bridges, a sum greater than the contract price, the said board is authorized to allow to the said Farwell such sum beyond the contract price for constructing said railing, as will make the whole allowance, inclusive of what the said Farwell has already received, equal to the price so agreed to be paid.

For iron railing.

§ 3. The several sums which the said board may allow to the said Farwell under this act, shall be paid out of any moneys appropriated to the enlargement of the Erie canal.

Payment how made.

§ 4. This act shall take effect immediately.

CHAP. 270.

AN ACT to incorporate the Carvers' and Gilders' Benevolent Society in the city of New-York.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Reuben C. Bull, James S. Greig, Francis J. Le Count, Samuel Lawrence, James Campbell, Charles Leach, William S. Conely, Isaac Van Voorhees, and such other persons as now are associated, or who may hereafter associate with them for

Corporation created.

that purpose, are hereby constituted a body corporate, by the name of "The Carvers' and Gilders' Benevolent Society in the city of New-York."

Objects of
the society.

§ 2. The objects of the said society shall be benevolent, viz. the mutual relief of the members thereof, when by reason of sickness or infirmities, any of them shall require such relief, and the appropriation of moneys to defray the necessary funeral and incidental expenses, in case of the death of any member.

Directors.

§ 3. The said corporation shall be under the control of nine directors, one third part of whom shall be elected annually, by a majority of the members present at such election.

Real and
personal
estate.

§ 4. The said corporation may hold and convey real and personal estate, to an amount not exceeding in the whole ten thousand dollars.

General
powers.

§ 5. The said corporation shall possess the general powers, and shall be subject to the general restrictions and liabilities prescribed in the third Title of the eighteenth Chapter of the first Part of the Revised Statutes.

§ 6. The legislature may at any time modify, alter or repeal this act.

CHAP. 271.

AN ACT to defray the expenses incurred on the trial of Alexander McLeod.

Passed April 12, 1842.

The People of the State of New-York represented in Senate and Assembly, do enact as follows :

Account to
be audited
and allowed.

§ 1. The Comptroller is hereby authorized to audit and allow to David Moulton, sheriff of the county of Oneida, all expenses necessarily incurred by him in relation to the trial, safe keeping and safe conducting of Alexander McLeod; and also to pay such a sum (not exceeding two hundred and fifty dollars,) to said Moulton, as will be a reasonable compensation for his personal services in said matter.

Allowance
to guard.

§ 2. The Comptroller shall allow to said sheriff for each of the guard and men employed by said sheriff, in pursuance of the directions of the Governor, for every day's service, the sum of one dollar and fifty cents, which sum shall be paid by said sheriff to the guard and men so employed. This allowance shall not extend to those constables or deputies of the sheriff who shall have received therefor the pay or fees now allowed by law for such services.

Money to
be paid.

§ 3. The Treasurer is authorized to pay the amount by the preceding sections authorized to be allowed upon the warrant of the Comptroller.

§ 4. This act shall take effect immediately.

CHAP. 272.

AN ACT for the relief of *Clarissa Millard and Cornelia Millard.*

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The canal appraisers are hereby authorized and required to ascertain the amount of damages, if any, sustained by *Clarissa Millard and Cornelia Millard*, in consequence of there being erected by the state a dock or pier, to protect the lower lock of the Champlain canal, in the village of Whitehall, and to award to the said *Clarissa and Cornelia*, the amount of damages so sustained, if any, subject to the provisions of the statute in relation to the appraisal of damages in other cases. Damages to be ascertained.

§ 2. The commissioners of the canal fund are required to pay the said *Clarissa and Cornelia Millard*, or their legal representatives, the amount of such award, if any, found in accordance with the provisions of the preceding section, out of any moneys belonging to the Erie and Champlain canal fund. Money to be paid.

CHAP. 273.

AN ACT concerning the *First School District in the city of Troy.*

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The trustees of the *First School District in the city of Troy*, are hereby authorized to appropriate the moneys which they may hereafter receive from the commissioners of common schools, as library money, either to the purchase of books, or for the payment of teachers' wages, as the common council of said city of *Troy* shall direct. Money how to be applied

§ 2. The sixth section of the act entitled "*An act respecting School District Libraries*," passed April 15, 1839, so far as the same conflicts with the provisions of this act, is hereby repealed. Repealed.

§ 3. This act shall take effect immediately.

CHAP. 274.

AN ACT in relation to the surplus waters of Black Rock Harbor.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Proceedings
in case of
non-payment
of rent.

§ 1. Whenever any lease for surplus waters of Black Rock harbor, may become liable to forfeiture in consequence of the non-payments of the rents due thereon; before declaring the same forfeited, the Comptroller shall give at least six months' notice, in two newspapers published in the county of Erie, that the same will be forfeited unless the rents due shall then be paid, with the costs of such advertising; if the rents shall not then be paid, the canal board may direct that any separate privilege of taking and using water included in such lease, the rent on which separate privilege has been regularly paid, which shall be occupied and applied to any machinery, shall be separately exposed to sale; or they may require the canal appraisers to estimate and appraise the value of such separate privilege, having reference to the terms of the original lease and subject to the approval of the canal board; and upon receiving such appraisal the canal board may sell such privilege to the person so occupying the same, as shall be deemed just and equitable, under the circumstances, and may thereupon cause a lease for such privilege to be executed according to law.

CHAP. 275.

AN ACT to combine into one act the several acts relating to the city of Albany.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Bounds of
the city.

§ 1. The easterly bounds of the city of Albany shall extend to the west bounds of the county of Rensselaer, opposite the said city; and the said city shall hereafter be divided into ten wards, as follows :

First ward.

The first ward to be comprehended within the following limits, viz : Beginning at a point where the south bounds of the city intersect the west line of Rensselaer county, thence running north along the east bounds of the city to a point opposite the centre of Arch-street; thence westerly through the centre of Arch-street to the centre of Grand (late Hallenbake) street; thence northerly through the centre of Grand-street to the centre of Arch-street from the west; thence westerly through the

centre of Arch-street to the centre of Eagle-street; thence southerly through the centre of Eagle-street to the south bounds of the city; thence easterly along said south bounds to the place of beginning.

The second ward within the following limits, viz : Beginning ^{Second ward.} at the intersection of the centre of Arch-street with the east bounds of the city, and running thence northerly along the said east bounds of the city to a point opposite the centre of Herkimer-street; thence westerly along the centre of Herkimer-street to the centre of Pearl-street; thence southerly along the centre of Pearl-street to the centre of Westerlo-street; thence westerly along the centre of Westerlo-street to the centre of Grand-street; thence northerly along the centre of Grand-street to the centre of Westerlo-street from the west; thence westerly along the centre of Westerlo-street to the centre of Eagle-street; thence southerly along the centre of Eagle-street to the centre of Arch-street; thence easterly along the centre of Arch-street to the centre of Grand-street; thence southerly along the centre of Grand-street to the centre of Arch-street from the east; thence easterly along the centre of Arch-street to the east bounds of the city and place of beginning.

The third ward within the following limits, viz : Beginning ^{Third ward.} at a point in the easterly bounds of the city opposite the centre of Herkimer-street; and running thence northerly along said east bounds to a point opposite the centre of Hamilton-street; thence westerly along the centre of Hamilton-street to the centre of Eagle-street; thence southerly along the centre of Eagle-street to the centre of Westerlo-street; thence easterly along the centre of Westerlo-street to the centre of Grand-street; thence southerly along the centre of Grand-street to the centre of Westerlo-street from the east; thence easterly through the centre of Westerlo-street to the centre of Pearl-street; thence northerly through the centre of Pearl-street to the centre of Herkimer-street; thence easterly along the centre of Herkimer-street to the place of beginning.

The fourth ward within the following limits, viz : Beginning ^{Fourth ward.} at a point in the east bounds of the city opposite the centre of Hamilton-street; and running thence northerly along said east bounds to a point opposite the centre of State-street bridge; thence westerly through the centre of State-street bridge and State-street to the centre of Eagle-street; thence southerly along the centre of Eagle-street to the centre of Hamilton-street; thence easterly along the centre of Hamilton-street to the east bounds of the city and place of beginning.

The fifth ward within the following limits, viz : Beginning ^{Fifth ward} at a point in the east bounds of the city opposite the centre of State-street bridge; thence running northerly along said east bounds to a point opposite the centre of Columbia-street bridge; thence westerly along the centre of said bridge and of Colum-

bia-street to the centre of Pearl-street ; thence northerly along the centre of Pearl-street to the centre of Canal (late Fox) street ; thence westerly along the centre of Canal-street to the centre of a street thirty-six Ryland feet in width, and leading from Canal-street to Spruce-street ; thence southerly through the centre of said street to the centre of Spruce-street ; thence easterly through the centre of Spruce-street to the centre of Eagle-street ; thence southerly through the centre of Eagle-street to the centre of State-street ; thence easterly along the centre of State-street and of the State-street bridge to the east bounds of the city and place of beginning.

Sixth ward.

The sixth ward within the following limits, viz : Beginning at a point in the east bounds of the city opposite the centre of the Columbia-street bridge ; and running thence northerly along said east bounds to a point opposite to the centre of Lumber-street ; thence westerly along the centre of Lumber-street to the centre of Ten Broeck-street ; thence southerly along the centre of Ten Broeck-street to the centre of Patroon-street ; thence easterly along the centre of Patroon-street to the centre of Chapel-street ; thence southerly along the centre of Chapel-street to the centre of Canal-street ; thence easterly along the centre of Canal-street to the centre of Pearl-street ; thence southerly along the centre of Pearl-street to the centre of Columbia-street ; thence easterly along the centre of Columbia-street and of the Columbia-street bridge on the east bounds of the city and place of beginning.

Seventh ward.

The seventh ward within the following limits, viz : Beginning at a point in the east bounds of the city opposite the centre of Lumber-street ; and running thence northerly along the east bounds of the city until it strikes a point opposite a red cedar post with brick around it, standing on the west bank of the Hudson river, which post is distant twenty-two chains and thirty-six links from the southeast corner of the store-house of Stephen Van Rensselaer, on a coarse north forty degrees and twenty minutes west ; thence westerly to the said cedar post ; thence north forty-eight degrees west, to the west bounds of the late town of Colonie ; thence southerly along said west bounds to the centre of Lumber-street ; thence easterly along the centre of Lumber-street to the east bounds of said city and place of beginning.

Eighth ward.

The eighth ward within the following limits, viz : Beginning at the intersection of the centres of Canal and Chapel-streets ; thence running northerly along the centre of Chapel-street to the centre of Patroon-street ; thence westerly along the centre of Patroon-street to the centre of Ten Broeck-street ; thence northerly along the centre of Ten Broeck-street to the centre of Lumber street ; thence westerly along the centre of Lumber-street to the west bounds of the late town of Colonie ; thence southerly along said west bounds to the centre of Pa-

troon-street ; thence easterly along the centre of Patroon-street to the centre of Lark-street ; thence southerly along the centre of Lark-street to the centre of Spruce-street ; thence easterly along the centre of Spruce-street to the centre of a street leading from Spruce to Canal-street of thirty-six Ryland feet in width ; thence northerly along the centre of said street to the centre of Canal-street ; thence easterly along the centre of Canal-street to the place of beginning.

The ninth ward within the following limits; viz : Beginning Ninth ward. at the intersection of Eagle and State-streets ; and running thence northerly along the centre of Eagle-street to the centre of Spruce-street ; thence westerly along the centre of Spruce-street to the centre of Lark-street ; thence northerly along the centre of Lark-street to the centre of Patroon-street ; thence westerly along the centre of Patroon-street to the west bounds of the late town of Colonie ; thence southerly to the south side of Patroon-street ; thence westerly along the north range of the city to the west bounds thereof ; thence southerly along said west bounds to the centre of Lydius-street ; thence easterly along the centre of Lydius-street to the centre of Main avenue ; thence northerly through the centre thereof to the centre of State-street ; thence easterly along the centre of State-street to the place of beginning.

The tenth ward within the following limits, viz : Beginning Tenth ward. at the intersection of the centre of Eagle-street with the south bounds of the city ; and running thence north through the centre of Eagle-street to the centre of State-street ; thence westerly through the centre of State-street to the centre of Main avenue ; thence southerly through the centre of Main avenue to the centre of Lydius-street ; thence westerly along the centre of Lydius-street to the west bounds of the city ; thence southerly along said west bounds to the south bounds of the city ; thence easterly along said south bounds to the place of beginning.

§ 2. The freeholders and inhabitants of the late fifth ward of the said city of Albany, shall enjoy all the rights, privileges and immunities, which are granted by the charter of the said city of Albany, and the several acts amending the same now in force, to the freeholders and inhabitants of the said city ; and the said late fifth ward shall, to every intent and purpose provided for by the said charter, and the acts aforesaid, be subject to the control, government, and regulation of the common council of the said city, in like manner as the other wards of the said city. Privileges of inhabitants of late fifth ward.

§ 3. The third, fourth, fifth, sixth, seventh and eighth wards shall be entitled each to elect in the manner prescribed by law, two aldermen, one supervisor, one assessor, one collector, one constable, one school commissioner and one school inspector. Officers of the several wards.

The first, second, ninth and tenth wards shall be entitled each to elect in the manner prescribed by law, two aldermen, one constable, one school commissioner, one school inspector. The first and second wards together shall be entitled according to law to elect one supervisor, one assessor and one collector. The ninth and tenth wards shall be entitled to elect together according to law, one supervisor, one assessor and one collector.

Time of election.

§ 4. The mayor of the said city of Albany, together with the officers named in the third section of this act, and the inspectors of elections for the several wards and districts of said city, shall be chosen and elected in the manner prescribed by law, on the second Tuesday of April in each year. The clerk of the common council of said city, shall give notice in writing to the inspectors of election of each ward and district, two weeks before the day of such election, who shall thereupon proceed as provided by the general laws of this state in relation to elections other than in towns. The inspectors holding such election shall, in addition to the box to contain the ballots for mayor required by law, provide two other ballot boxes, on one of which shall be distinctly marked "ward," and on the other "charter." The ballots for aldermen shall be distinct and separate from those for any other officers to be chosen, and shall be distinctly endorsed "charter," and when finally received by the inspectors, shall be deposited in the box marked "charter," and the ballots of any other officers then to be chosen, except mayor, shall be endorsed "ward," and shall be deposited in the box marked "ward."

Manner of conducting elections.

Canvass.

§ 5. The poll of the election in the several wards and districts of the said city of Albany at the election to be held as aforesaid, on the second Tuesday of April in each year, shall be kept open from the hour of eight in the morning, until the hour of six in the afternoon. At the close of such election the inspectors shall publicly proceed to canvass the votes, which canvass shall be completed (on the same day) without adjournment or interruption. When the canvass shall have been completed, the inspectors shall thereupon certify and declare the result, stating the number of votes given for each person for each respective office, and shall file such statement and certificate on the same or the next day after the canvass is completed, with the clerk of the common council of said city.

Vacancies, how filled.

§ 6. If there shall happen any vacancies in the officers chosen at any such election, by death, resignation, removal from the city or other disqualification (except mayor and inspectors of elections) it shall be lawful for the common council to direct an election to supply such vacancy in the ward or wards where the same shall happen; all the proceedings in relation whereunto shall be conducted in like manner as the regular elections in said city are conducted; and the officer or officers so chosen shall hold their offices until the next annual election.

§ 7. The persons who shall be elected at any such election as mayor and aldermen of said city, shall be sworn into office on the Tuesday next following such election, or as soon thereafter as they shall appear in common council. Mayor and aldermen, when to be sworn.

§ 8. The common council of said city shall be held in the city hall of said city, unless in case of pestilence or invasion, or if the same shall be destroyed by fire, or the said common council cannot conveniently meet therein: in either of which cases the said common council may be held (until the causes suspending their regular meetings be removed or shall cease,) at such other place as they shall appoint. The mayor, or in his absence, the recorder shall preside at any of the meetings of the common council, and if both be absent, a chairman pro hac vice may be appointed by the members present, but such chairman shall be one of the aldermen. Common council, where to be held.

§ 9. It shall be lawful for the mayor of said city to call special meetings of the common council; and in case of his death or absence from the city, it shall be lawful for the recorder to call such special meetings; and in case of their deaths or absence from the city, it shall be lawful for any three aldermen to call such special meetings; and a majority of the members of the common council shall at all times constitute a quorum for the transaction of business. Special meetings.

§ 10. The clerk denominated in the charter of the city of Albany, the town clerk, now usually called the clerk of the city and county of Albany, shall forever hereafter, be relieved, restrained and prohibited from doing or performing any duties or services, or any act, matter or thing whatsoever, as clerk of the common council of said city. County clerk.

§ 11. The mayor, aldermen and commonalty of the city of Albany, in common council convened, shall and may, from time to time, and at all times forever hereafter, choose and appoint a clerk to be the clerk of the common council of the city of Albany only, and remove such clerk, and to appoint another from time to time, as often as the said common council shall deem fit so to do, which said clerk so to be chosen or appointed, shall receive, have and take charge of, and keep such writings and papers belonging to the mayor, aldermen and commonalty of the city of Albany, as the said common council shall from time to time direct or order to be delivered to and kept by the said clerk so from time to time to be appointed, under the direction and subject to the order and control of the said common council. Clerk of the common council.

§ 12. The mayor's court of the city of Albany shall be held at the city hall of said city on the second Tuesday of every month, and may be continued until and including the following Saturday, in the exercise of civil jurisdiction, and until and including the Saturday of the week next thereafter, when exercising criminal jurisdiction. Mayor's court, when and where held.

§ 13. All writs and other process issuing out of said court Process of said court.

shall be tested and made returnable at the city hall of said city, and on or before the first Saturday in term, (except writs of fieri facias.) No personal action pending in said court, shall be removed therefrom by writ of certiorari, unless the debt or damages claimed, or the matter or thing demanded, shall exceed the sum of one thousand dollars. And the judgments recovered in said court may be docketed in any county in the same manner and with the like effect, as is provided by law in relation to judgments of courts of common pleas.

Recorder to
superintend
the drawing
for jurors.

§ 14. It shall be the duty of the recorder of said city to attend at the clerk's office of the county, to witness the drawing of the jurors for the said mayor's court, and to certify the same in the manner prescribed by law; and in case of his absence or other inability, then it shall be the duty of some one of the aldermen of said city so to do. And no judge of said court other than the recorder, shall make any order in vacation touching any suit or proceeding therein, unless in case of his absence, death or inability.

Criminal ju-
risdiction of
said court.

§ 15. The criminal jurisdiction of said court may be exercised at any regular term thereof, and two aldermen of said city or the mayor and any one alderman, shall be associated with the recorder in holding such criminal court as provided by law, while said court is engaged in the trial of indictments, and during the empannelling of the grand jury, in case one shall be summoned, and not otherwise. And the said court shall have the same powers as to the discharge of persons confined in jail for the non-payment of fines imposed by said court, as by law is given to the courts of common pleas.

Grand jury
may be sum-
moned to ap-
pear at regu-
lar terms.

§ 16. Whenever the recorder of the said city, together with any two aldermen, or the mayor and any one alderman thereof, shall be of opinion that the condition of the jail, and the number of prisoners therein renders it necessary or proper, they shall direct the sheriff of the city and county of Albany, by a precept to be issued to him under their hands, to summon a grand jury from that part of the county of Albany, composing the city of Albany, to appear at any of the regular terms of the said court; which grand jury shall have all the powers and authority over offences committed in the city of Albany, which grand juries of the county now have.

Overseers of
the poor.

§ 17. It shall and may be lawful for the common council annually, or oftener, in their discretion, to appoint one or more overseers of the poor or poor masters, and one or more pound masters, and fence viewers, who shall severally possess the powers of overseers of the poor, pound master and fence viewer of any town in this state, subject to any regulations concerning them, to be paid by the common council in their discretion: And further, it shall be lawful for the said common council to select from the aldermen and justices of the peace in the said city, such and so many as they think proper, to be called "the board of magistrates for the relief and support of the poor,

Board of ma-
gistrates.

who shall in such case exclusively possess the power and authority of applying and distributing the funds for the support of the poor in such manner as the common council may direct ; and the said common council shall yearly determine the sum necessary to be raised by tax for the support and maintenance of the poor of the said city for the ensuing year ; and the supervisors of the city and county of Albany being served with a copy of the resolution of the said common council directing such sum, shall cause the same to be raised, assessed and collected according to law ; and such moneys when collected by tax, shall be paid to the chamberlain of the said city, and shall be drawn for and applied under the direction of the common council : And further, it shall be lawful for the common council to pass ordinances for regulating the alms house and the officers thereof, within the city, and to appoint during pleasure all such officers as they may deem necessary for the good government of the said alms house and the poor within the same ; and that the moneys directed by law to be applied for the support of the poor within the said city, or any part thereof, may be directed by the common council to be applied to the support of the said alms house and the poor within the same, in such manner as the said common council shall deem proper ; and also for establishing a house of correction for petty offenders within the said city ; to appoint during pleasure, a keeper thereof, and so many assistants as may be necessary ; to prescribe the duties of the said keeper and assistants, and the compensation which they shall respectively be entitled to receive for their services from the said mayor, aldermen and commonalty, and to pass ordinances for regulating the said house of correction, and all other ordinances relative thereto ; and it shall be lawful for the court of oyer and terminer and general sessions of the peace in and for the city and county of Albany, and for the mayor's court of said city, and for any court of special sessions of the peace held in the said city or county, to sentence and adjudge any offender, convicted before either of said courts of any petit larceny, assault and battery, or misdemeanor committed within the said city, to the said house of correction instead of the gaol of the said city and county, there to be imprisoned and kept at hard labor during the term of his or her imprisonment.

§ 18. It shall be lawful for the board of supervisors of the county of Albany, and the mayor, aldermen and commonalty of the city of Albany, to enter into any contract or agreement between them, to abolish all distinction between town poor and county poor, in the said city and county, from and after the first day of May next, and for appropriating the alms house and farm now belonging thereto, in the city of Albany, for the support of all the poor in the city and county, transient and resident, and for the allowance of such sum to be paid to the said city by the county for the use of the same, and for any additional building

and appurtenances, as the said supervisors and the said mayor, aldermen and commonalty may agree upon ; and any contract or agreement, already made and entered upon the minutes of the said board of supervisors, and of the said mayor, aldermen and commonalty, and agreed to by the said respective boards for the purposes aforesaid, and not inconsistent with this act, shall be valid and effectual, as if the same had been made after the passage of this act.

Poor, how supported.

§ 19. Every poor person entitled to support according to law, within the said city and county of Albany, shall, from and after the first day of May next, be supported and maintained by the mayor, aldermen and commonalty of the city of Albany, at the expense of the county ; and all poor persons so entitled to support on the first day of May next, shall be removed by the overseers of the poor of the several towns, and the overseer of the poor of the city of Albany, to the said alms house, at the expense of the several towns and the said city, each for the removal of the poor then belonging to them respectively ; and thereafter the necessary expense of the removal of any poor person from any town in the said county, to the said alms house, shall be paid on the certificate of the keeper of the alms house, by the chamberlain of the city of Albany.

Mayor, &c. to have charge of alms house and farm.

§ 20. The mayor, aldermen and commonalty of the city of Albany shall have the charge and care of the said alms house and farm, and of all the said poor persons who may be removed there for support, and appoint a superintendent and physician, and hire any other persons necessary for the proper management and government thereof.

Poor money.

§ 21. All the money which shall be received by the commissioners of excise, and all money received by the overseers of the poor, in their official capacity, in the city and in the several towns in the said county, shall be paid over to the chamberlain of the city of Albany, for the said mayor, aldermen and commonalty, within thirty days after the receipt thereof, under the penalties now provided by law in cases where the distinction between the town and county poor is abolished, which money shall be disbursed for the support of the said poor, and accounted for by the said mayor, aldermen and commonalty in their annual account of receipts and disbursements.

Temporary relief to poor.

§ 22. Temporary relief may be granted to poor persons by the several overseers of the poor of said county in the manner now provided by law, except that it shall not be necessary for any overseer to obtain an order for that purpose from a justice of peace ; but no such relief shall be granted exceeding the sum of ten dollars for any one person or family, without the written assent of the supervisors of the town where such relief is granted, or if in the city of Albany, without the assent of the board of magistrates for the relief and support of the poor of said city, which written assent shall accompany the order of the justice granting such relief, and shall entitle the overseer to re

ceive any sum he may have paid in pursuance of such order, from the chamberlain of the city of Albany.

§ 23. At each annual meeting of the board of supervisors of the county of Albany, the chamberlain of the city of Albany shall exhibit an accurate account of the receipts and disbursements for the support of the said alms house and the paupers therein, and the salaries and pay of the persons employed in the management thereof, to be audited and settled by the said board of supervisors; and the balance thereof, if any, together with such sum as the said board of supervisors shall estimate to be necessary to defray the expenses aforesaid, during the succeeding year, shall be raised, levied and collected as part of the expenses of the county, and paid over to the chamberlain of the city of Albany, for the use aforesaid.

Chamberlain to make yearly statements.

§ 24. The right heretofore vested by the charter in the common council of regulating the Indian trade, and in the mayor of being coroner of said city, and of licensing tavern keepers and others out of the said city, and the right under the said charter of holding a mayor's court once every fortnight, and of excluding all but freemen of the said city from trading therein, and of holding the election for charter officers on the feast of St. Michael the archangel, and of three aldermen and three assistants, with the mayor and recorder holding a common council, are hereby, on the petition and surrender of the common council, respectively abrogated and annulled: Provided always, That one of the coroners of the county of Albany, shall always be a citizen of the said city: And provided further, That nothing herein contained shall affect or prejudice the rights of the mayor of the said city in granting licenses to tavern keepers and others, under the said charter, within the said city.

Certain charter rights surrendered.

§ 25. No aldermen shall, by virtue of the said charter, try any civil cause to the amount of twenty-five dollars or under, excepting such as are brought for any penalty under any of the by-laws of the said city, in which case he may act as justice in his civil capacity.

Aldermen not to act as justice in civil cases.

§ 26. It shall be lawful for the mayor of the said city to appoint, during his pleasure, a person to be called the deputy excise officer, with power to such officer, under the control of the said mayor, to grant licenses to butchers, cartmen, tavern keepers, grocers and keepers of ordinaries, victualing and oyster houses within the said city; but the said mayor shall sign such licenses, and the salary of such deputy excise officer shall be ascertained and paid by the said common council.

Mayor may appoint a deputy excise officer.

§ 27. It shall be lawful for the mayor to grant permits for retailing spirituous liquors under five gallons, and for keeping taverns within the said city at the time and under the regulations prescribed in the ninth Title, Chapter twenty, Part first of the Revised Statutes, entitled "Of excise," and also to determine the sum which each person applying for a license or

Mayor grant licenses.

Excise duty.

permit as aforesaid, shall pay for the same, not being less than five, nor more than fifty dollars, as a duty of excise; which sum shall be paid to the said mayor or deputy excise officer by the person applying for such license, and before such license shall be issued as aforesaid, to be accounted for and paid over to the chamberlain of said city, for the support of the poor thereof.

Petty
grocers, &c.
regulated.

§ 28. It shall and may be lawful for the mayor, aldermen and commonalty of the city of Albany, in common council convened, to pass ordinances for regulating tavern keepers, petty grocers, keepers of ordinaries, or victualling houses, or where fruit, oysters, clams, liquor or meats shall be sold, in order to be eaten or drank at such house, within the said city, and for exacting^a a recognizance of every such grocer, or other person as aforesaid, in such penalty and with such surety as the common council shall deem reasonable, conditioned that he shall not permit any strong or spiritous liquors to be drank in his shop, out house, yard or garden, nor suffer any kind of gaming within the same, nor sell any sort of strong or spiritous liquors to any servant or apprentice, without a permit from his or her master or mistress; and no tavern keeper, grocer, or other person as aforesaid, in the said city, shall permit any riotous and noisy persons to be assembled in his, her or their house on the Sabbath day, nor permit at any time, any manner of gaming, quarrelling or other disorderly practice or conduct, nor keep any billiard table, or other instrument or device used for gaming; and it shall or may be lawful for the mayor or recorder of the said city, in conjunction with any two of the aldermen thereof, to hear and determine, in a summary way, any complaint which may be preferred against any tavern keeper, grocer or other person as aforesaid, for any offence in the premises; and in case they shall judge it necessary, to deprive any such tavern keeper, grocer or other person as aforesaid, who shall offend in the premises, of his license. The recognizances which may be required of persons licensed to retail strong and spiritous liquors to be drank in his or her house, out house, yard or garden, within the said city; and the recognizances of grocers and other persons as aforesaid, to be taken and entered into pursuant to the provisions of this act, instead of being entered into and acknowledged to and in the name of the People of the State of New-York, shall be taken in the name of the said mayor, aldermen and commonalty; and the said mayor, aldermen and commonalty, in common council convened, shall and may make such orders in relation to prosecutions for breaches thereof as they shall deem proper and necessary to preserve peace and good order, and to promote the welfare of the said city.

Recogni-
zances of
grocers.

The several
police
powers of
the common

§ 29. The said common council are hereby constituted and declared commissioners of highways in and for the said city; and shall and may from time to time pass ordinances for the

more effectual suppression of vice and immorality ; for pre-
serving peace and good order ; to prevent forestalling and re-
grating, and for detecting and restraining every kind of fraudu-
lent device and practice within the said city ; to enforce the
due observance of the Sabbath day ; to suppress and restrain
disorderly and gaming houses, billiard tables, and other instru-
ments and devices used for the purpose of gaming ; to direct
the keeping and returning bills of mortality, and to impose penal-
ties on physicians, sextons and other persons for any default in
the premises ; to regulate the keeping, carting, conveying and
transporting of gunpowder, or other combustible or dangerous
materials ; and the use of lights and candles in livery or other
stables ; to remove or prevent the construction of any fireplace,
hearth, chimney, stove, oven, boiler, kettle, or apparatus used in
any house, building, manufactory or business, which may be
dangerous in causing or promoting fires ; to direct the construc-
tion of safe deposits for ashes, and to appoint one or more
officers at reasonable times to enter into and examine all dwell-
ing houses, lots, yards, enclosures and buildings of every de-
scription, in order to discover whether any of them are in a
dangerous state, and to cause such as may be dangerous to be
put in a safe and secure condition ; to regulate the gauging of
all casks of liquids and liquors ; and to appoint one or more
suitable persons to superintend and conduct the same ; to re-
gulate the place and manner of selling hay ; to restrain and pu-
nish the forestalling of poultry, butter and eggs ; to restrain and
regulate the purchase of wheat, corn and every kind of grain
and other articles of country produce, by persons commonly
known in said city, by the name of runners ; to prevent and
regulate the running at large of dogs, or to impose a reasona-
ble tax upon the owners or possessors of such dogs ; to appoint
an examiner of weights and measures, and prescribe his pow-
ers and duties ; to regulate or prevent the carrying on of manu-
factories dangerous in causing or promoting fires ; to appoint
fire wardens, with such duties and powers as the common coun-
cil shall prescribe, and to adopt such measures for the preven-
tion and suppression of fires, as the said common council shall
deem expedient ; to compel the owners and occupants of houses
and other buildings to have scuttles on the roofs of any such
houses or buildings, and stairs or ladders leading to the same ;
to regulate the dimensions of chimneys, so as to admit the
chimney sweeps to sweep and clean the same ; to appoint
watchmen and prescribe their powers and duties ; to authorize
any magistrate, constable or other person to stop any person rid-
ing or driving immoderately through any of the streets of the
said city, or otherwise to prohibit such offences ; to establish
and regulate docks, wharves, or whatever may be necessary
in and about the same ; to appoint and regulate weighers and
measurers of hay, fish, iron, cordwood, coal, grain, lime and
salt ; to abate or remove any nuisances in any street or wharf,

or on the lot or enclosure of any person ; to regulate the markets ; to regulate and license cartmen and porters ; to appoint firemen to take the charge and management of the fire engines and apparatus thereto belonging, under such regulations as they shall deem necessary, which firemen shall be exempt from serving as constables or jurors, or in the militia, except in cases of insurrection, invasion, or other imminent danger ; to authorize the mayor, recorder or any aldermen, to remove or cause to be removed, and kept away from the vicinity of any fire, all idle and suspicious persons, during such fire, or to compel any person to aid in the extinguishment thereof, or in the preservation of property exposed to the dangers of such fire ; to require the sheriff and his deputies, the marshal, watch and constables to be aiding in the extinguishment of all fires, and in preventing goods from being purloined thereat, and in securing the same, subject to the orders of the mayor, recorder or any alderman present at such fire ; to require the inhabitants respectively to provide such and so many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in times of fire ; to regulate and arrange with uniformity such buildings as shall be erected ; to regulate, keep in repair, and alter the streets, highways, bridges, wharves and slips, and to appoint one or more suitable persons to see that the same are conformable thereto, and who shall take an oath faithfully to perform their said trust ; to prevent all obstructions in the river near or opposite to such wharves, docks or slips ; to require good and sufficient railing or guards to be constructed on the roofs of all dwelling houses and other buildings ; to prevent persons from selling cakes and fruit unless licensed in the manner they shall direct ; to direct and regulate the paving of the streets or flagging of the sidewalks ; to regulate the assize and quality of bread, and to provide for the forfeiture and seizure of bread baked contrary thereto ; to prevent the incumbering of the streets, sidewalks, wharves or slips with wheelbarrows, lumber, stone, or any other substance whatsoever ; to regulate and restrain the running at large of horses, hogs, cows, or any other cattle ; to regulate the sweeping of chimneys ; to prevent chimney sweeps, unless licensed as they shall direct, from sweeping and cleaning chimneys ; to restrain all vagrants, common mendicants, street beggars, or persons soliciting alms or subscriptions for any purpose whatsoever, and all such persons as shall harbor them, without giving previous notice thereof to a member of the common council, and generally to make all such rules, by-laws and regulations for the good order and government of the said city, and the commerce and trade thereof, as they may deem expedient, not repugnant to the constitution or laws of this state ; and to inflict penalties upon any citizen or inhabitant thereof, or other person or persons, for the violation of any by-laws, not exceeding twenty-five dollars for any

one offence, recoverable with costs in an action of debt, by and in the name of the chamberlain of the said city, for the use of the mayor, aldermen and commonalty thereof, before any police justice, justice of the peace or alderman thereof, in which action the first process may be by warrant on oath, and there shall be no stay of execution after judgment upon any pretence whatever; nor shall any exemption be allowed thereupon: And the common council may subject the parent, master, mistress or guardian of any minor, apprentice or servant, to any such penalty for any offence committed by such minor, apprentice or servant: And it shall be lawful for the common council to pass laws and ordinances to inflict imprisonment upon any person for any offence, not exceeding thirty days, to the house of correction, there to be kept at hard labor, or to the gaol of the said city and county; and it shall be lawful for the magistrate before whom judgment of imprisonment shall be given, to carry the said judgment of imprisonment into effect by a warrant of conviction under his hand and seal, directed to the keeper of the said house of correction or gaol: Provided, That no by-laws made by the said common council shall continue in force longer than three years from the passage thereof, subject however, at all time to be repealed by the legislature.

§ 30. It shall be lawful for the common council of the city of Albany, to regulate and license owners of livery stables, and to regulate and license the owners and keepers of hackney coaches, and carriages of every description, used for hire or reward, in the said city, and to inflict penalties for the violation of such regulations, not exceeding twenty-five dollars, besides costs, on any one person for any one offence.

§ 31. All persons who being habitual drunkards, destitute, and without visible means of support, or who being such habitual drunkards, shall abandon, neglect or refuse to aid in the support of their families, who being complained of by such families; all able bodied or sturdy beggars, who may apply for alms or solicit charity; all persons wandering abroad, lodging in watch houses, out houses, market places, sheds, stables or uninhabited buildings, or in the open air, and not giving a good account of themselves; all persons wandering abroad and begging, or who go about from door to door, or place themselves in the streets, highways, passages or other public places, or beg or receive alms within the said city, shall be deemed vagrants, and may, upon conviction before the police justice of such city, be sentenced to confinement in the county gaol or work house, for any time not exceeding sixty days, at hard labor.

§ 32. All persons who have actually abandoned their wives or children in the city of Albany, or who may neglect to provide according to their means, for their wives or children, are

herby declared to be disorderly persons, within the meaning of Title fifth of Chapter twentieth of Part first of the Revised Statutes, and may be proceeded against as such, in the manner directed by said Title. And it shall be the duty of the magistrate before whom any such person may be brought for examination, to judge and determine from the facts and circumstances of the case, whether the conduct of any person amounts to such desertion or neglect to provide for his wife or children.

Police
justices.

§ 33. The common council of said city shall have power and authority to regulate the police of said city, and to appoint one or more persons, being justices appointed for said city, and not exceeding three, as police justices, to hold their offices during the pleasure of the common council ; and the said police justice or justices shall have and exercise the like powers in the said city as are now exercised by any alderman thereof, or by justices of the peace in the different towns of this state : Provided, That nothing herein contained shall be construed to authorize said police justice or justices, to try causes for the recovery of debts, other than those which may arise for the violation of any by-laws of said city.

Proviso.

Powers of
police
justices.

§ 34. All the power and jurisdiction of an alderman of the city of Albany, and of the justices' court of said city, to hear, try and determine all or any suits brought for the violation of any by-law, by and in the name of the chamberlain of the said city, shall be, and are hereby declared to be vested in such justice or justices as may be duly appointed police justices of the said city, in as full and effectual a manner as the justices' court of the said city, or any alderman thereof, now have or possess the same.

High and
police
constables.

§ 35. The common council of the said city shall have power and authority to appoint two persons, (being citizens as aforesaid) as high constables, and also two persons (being citizens as aforesaid) from each of the wards of said city as police constables ; and the mayor shall also have authority to appoint additional police constables in cases of emergency, when he shall deem it requisite for the preservation of the peace of the city or for the purposes of justice.

Powers and
duties of
high and
police
constables.

§ 36. The high constables and police constables shall have and receive the same fees, and have the like powers and authority, and be subject to the same duties as the constables of the several towns of this state ; but they shall not serve any process or enforce any execution, or exercise any other powers in any civil suit or proceeding, except suits for penalties for violations of the city ordinances ; nor shall the high constables be liable for any penalty for not attending courts as officers thereof.

Police
justices may
compel the

§ 37. It shall be the duty of the said police justice or justices, and they are hereby authorized, whenever they have reason to

suspect that any complaint for a misdemeanor is unfounded, to attendance of witnesses.
compel the attendance of witnesses, in order to examine into the truth of such complaint; and if on investigation it shall appear that the charge is not supported, it shall be dismissed.

§ 38. It shall be the duty of the watchmen of said city to obey such orders and directions as they shall from time to time receive from the said police justice or justices, relative to the detection and apprehension of offenders; Provided that such orders and directions shall not violate the ordinances of the common council for regulating the watch of the said city, nor any of the existing laws of this state. Duty of watchmen.

§ 39. The high constables, police constables and city constables shall obey the orders of the mayor, recorder, aldermen, and of the police justice or justices, or either of them, in enforcing the laws of this state or the ordinances of said city; and in case of refusal or neglect so to do, he or they shall be subject to a penalty of not less than one dollar nor more than ten dollars. Constables to obey orders of mayor, &c.

§ 40. The high constables and police constables shall hold their offices during the pleasure of the common council. Duration of office of constables.

§ 41. It shall be the duty of the police justice or justices of the city of Albany, for the time being, on the first Monday in May and November, in every year hereafter, to account on oath, before the mayor or recorder, for all such moneys, goods, wares and merchandise as shall then remain unclaimed in the said police office, and immediately thereafter to give notice for four weeks in one of the public newspapers printed in the city of Albany, to all persons interested in or claiming such property: Provided always, that if any goods, wares, merchandise or chattels of a perishable nature, or which shall be expensive to keep, shall at any time remain unclaimed in said police office, it shall be lawful for said police justice or justices to sell the same at public auction, at such time and after such notice as to them and the said mayor and recorder shall seem proper. Duties of police justices respecting unclaimed property.

§ 42. It shall be the duty of the police justice or justices aforesaid, who may recover or obtain possession of any stolen property, on receiving satisfactory proof of property from the owner to deliver such property to the owner thereof, on his paying all necessary and reasonable expenses, which may have been incurred for the preservation or sustenance of such property. Stolen property.

§ 43. It shall be the duty of the police justice or justices to cause all property unclaimed, after the expiration of the notice specified in the last preceding section but one of this act, (money excepted) to be sold at public auction, to the highest bidder, and the proceeds thereof forthwith to pay to the chamberlain of the said city, together with all money (if any) which To sell unclaimed property.

shall remain in his or their hands after such notice as aforesaid, first deducting the charges of said notice and sale.

Expense in
detecting
offenders,
how paid.

§ 44. It shall be lawful for the mayor or recorder of said city, by warrant under his hand, to direct the application of the moneys which shall be paid to the said chamberlain as aforesaid, towards paying for any extra services and expenses which may be rendered or incurred in detecting and apprehending public offenders: Provided always, that a detailed account of such services and expenses shall be first certified by the said police justice or justices, and audited by the common council of the said city.

Common
sewers,
pavements,
&c.

§ 45. It shall be lawful for the mayor, aldermen and commonalty of said city, to order and direct the reducing, filling, levelling, pitching, paving, macadamizing or covering with broken stone, gravel or sand, any of the streets or roads in said city, or the altering, repaving or repairing of the same, or to order and direct the making, repairing or cleansing, of common sewers, vaults or drains, or the making or repairing any bridge or bridges, arch or arches, over any stream or run of water in said city, or the filling, reducing, levelling or fencing in any vacant lot or lots in said city, or to order the digging and making of wells and pumps, in any public street or road in said city, or the cleansing of sidewalks, gutters and streets in front of all vacant lots in said city, from snow and from all dirt, filth and other obstructions or incumbrances, so as to permit citizens to use the said sidewalks and streets in an easy and commodious manner; and the same shall be completed under the direction of the said mayor, aldermen and commonalty, within such time as to them shall seem proper; and on the completion of any of the improvements aforesaid, it shall be the duty of the said mayor, aldermen and commonalty, to cause an account of and for such expense as may have been incurred for any of the improvements above specified, to be made by the city superintendent, or by such other person or persons as may be appointed by the said mayor, aldermen and commonalty; which said account shall embrace the whole expense for work, labor, service and materials found; and when thus made out, the amount of such account for any of the improvements aforesaid, together with the expense of the proceedings, shall be apportioned by the city superintendent, or by such other disinterested person or persons, not exceeding three, to be appointed by the said mayor, aldermen and commonalty of said city, under his or their oath or oaths, among all the houses and lots intended to be benefited by such improvement, in proportion to the advantage which each shall be deemed to acquire, specifying in said apportionment the name or names of the owner or owners, occupant or occupants, of the houses and lots intended to be benefited, as far as the nature of the case will admit, and this apportionment

Estimates
and
assessments.

shall be returned to the mayor, aldermen and commonalty of said city ; and when thus returned to them, they shall cause public notice of such apportionment to be given in one or more public newspapers printed in said city, for thirty days ; and if no cause be shown against the confirmation of said apportionment, within the time last aforesaid, the same shall, when approved by the said mayor, aldermen and commonalty, be filed in the office of the clerk of the common council of said city, and shall be binding and conclusive upon the owner or owners, occupant or occupants, of the houses or lots mentioned in said apportionment ; and said apportionment shall be and remain a lien upon the house or houses, lot or lots, mentioned therein, from the time of such confirmation by the said mayor, aldermen and commonalty, until the same shall be paid or satisfied.

§ 46. In case any account for work, labor and service, and materials found, as specified in the apportionment aforesaid, for any improvement as authorized in the city of Albany, by the last preceding section, shall not be paid by the owner or owners, occupant or occupants of the property intended to be benefited by such improvement, after demand upon them, or either of them, if such property is occupied, it shall be lawful for the said mayor, aldermen and commonalty to cause notice of such apportionment, and of the account forming a part thereof, to be advertised in one or more of the public newspapers printed in said city, at least twice in each week for three months, thereby requiring the owner or owners of such lot or lots respectively, to pay the sum so charged upon such lot or lots, to the chamberlain of said city ; and if default shall be made in such payment, such lot or lots will be sold at public auction, at a day and place therein to be specified, for the lowest term of years at which any person shall offer to take the same in consideration of advancing the sum charged on the same for the expense aforesaid, with the interest thereof, and costs ; and if, notwithstanding such notice and demand, the owner or owners shall refuse and neglect to pay such account, together with the charge of advertisement and the interest as aforesaid, and costs, then it shall be lawful for the said mayor, aldermen and commonalty, to cause the said lot to be sold at public auction, for a term of years, for the purpose and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city, and such purchaser, his executors, administrators and assigns, shall by virtue thereof, and of this act, lawfully hold and enjoy the same for his and their own proper use, against the owner or owners thereof, and all claiming under him, until his term shall be complete and ended, and being at liberty to remove all the build-

When
assessments
&c. not paid.

To be
advertised.

To be sold at
auction.

dings and materials which he or they shall erect or place thereon, but leaving the ground in sufficient fence, and with the street or streets fronting the same, in the order required by the regulations of the said mayor, aldermen and commonalty.

Landlords
and tenants.

§ 47. Nothing in this act contained shall affect any agreement between any landlord and tenant, respecting the payment of any charges or apportionment as in this act expressed; but they shall be answerable to each other in the same manner as if this act had never passed; and if any money so charged shall be paid by any person, when by agreement or by law the same ought to have been borne or paid by some other person, then it shall be lawful for the person paying the same to sue for and recover the same, with interest and costs of suit, in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same; and the account aforesaid, with proof of payment, shall be conclusive evidence in such suit.

Albany
basin.

§ 48. It shall be lawful for the mayor, aldermen and commonalty of the city of Albany, to order and direct the excavating, deepening or cleansing any part of the basin in front of said city, being in front of any lot on the wharf, or in front of any pier lot, or to order and direct the excavating, deepening or cleansing of any part of the Hudson river, in front of any wharf or pier lot; and the expense of such excavating, deepening or cleansing shall be apportioned as in the same manner as is prescribed in and by the forty-fifth section of this act, for the apportionment of the expense of any improvement mentioned in said section; and the account for the expense thus apportioned, shall be and remain a lien upon the lot or lots upon which the same shall be apportioned, until paid; and if not paid when demanded, shall be collected in the manner prescribed in section forty-six of this act.

Albany pier.

§ 49. If at any time hereafter the pier in front of the Albany basin or any part thereof, or the buildings or property thereon, or the bridges crossing the Albany basin, shall be destroyed or in any manner injured in consequence of making the opening in the pier, under the act passed April 14, 1836, or of the enlargement of said opening under the act passed April 20, 1841; or in case the ice breaker at the northeast corner of said enlarged opening shall require to be repaired; or in case the navigation on either side of said enlarged opening shall at any time be injured by deposits of alluvion produced by cross currents through said opening, it shall be the duty of the said mayor, aldermen and commonalty to rebuild such parts of said pier and the buildings thereon, or bridges aforesaid, as may be destroyed as aforesaid, or repair the same if injured; and also to repair said ice breaker in a substantial manner; and also to cause such deposits of alluvion as aforesaid to be removed without delay; and the expenses which

may be incurred by the said mayor, aldermen and commonalty under this section, shall be ascertained, assessed, apportioned and collected in all respects as prescribed in and by the forty-fifth and forty-sixth sections of this act.

§ 50. Whenever the common council of the said city of Albany shall deem it necessary within the city to take the ground or other real estate, with the appurtenances of any person or persons, for the purpose of laying out, opening, extending, straightening, widening or altering any street, road, avenue, square, wharf or slip, or for any other public purpose or use, it shall be lawful for the said common council to cause a notice to be published for four weeks successively, in the newspaper printed by the printer of this state, in the said city, and in one other newspaper published in said city at least twice in each week, specifying and describing as particularly as may be practicable, the ground, with the appurtenances, which may be required for either of the purposes aforesaid, and the time and place at which the damages and recompense which the owner or owners of such ground may be entitled to, for the same, will be inquired into and assessed, and such damages and recompense apportioned and assessed, among the owners or occupants of the houses and lots of ground, and other real estate which are to be benefited by the intended public use of the ground, with the appurtenances, which shall be required as aforesaid; and it shall be lawful for the mayor or recorder and any two aldermen of the said city, by a precept under their hands and seals, to command the sheriff of the city and county of Albany to summon and return a jury of twenty-four freeholders of the said city, who shall be in no wise interested in the aforesaid questions of damages and recompense, and the apportionment and assessment thereof as aforesaid, to the mayor's court of the said city, at the term specified for that purpose in such precept, which shall be the time and place expressed in the aforesaid notice; and such precept shall be delivered to the said sheriff at least ten days before the return day thereof, who shall, by virtue thereof summon and return such jury as aforesaid, twelve of whom shall be chosen by ballot, and constitute the jury for the purposes in the said precept specified; and it shall be the duty of the said sheriff, at least six days before the return day of such precept, to serve on the owner or owners of the ground which shall be required as aforesaid for public use, if resident in the said city, or the occupant and occupants of such ground, to serve a written or printed copy of the notice to be published as aforesaid, directed to the owner or owners of such ground. In case the piece or pieces of ground so required shall be vacant, and the owner or owners thereof shall not reside in the said city, or shall be unknown, it shall be a sufficient service of said notice by the said sheriff to affix the same on some conspicuous part of such vacant premises. The said jury, when balloted for as aforesaid, shall be sworn, faithfully and

Real estate
for certain
purposes,
when and
how to be
taken.

impartially to inquire into and assess the damages and recompense which the owner or owners of the ground, with the appurtenances described and designated in the said precept, shall be justly entitled to, and to apportion and assess such damages and recompense upon the owner or owners of all the houses and lots of ground which are intended to be benefited by the public use of the ground, with the appurtenances, required as aforesaid, as nearly as may be in proportion to the advantages which such owner or owners shall be deemed to acquire. And the said jury shall add to the amount of such damages and recompense, the costs, charges and expenses incident to the proceedings, which shall, previous thereto, be taxed and certified as to the amount by the mayor or recorder of said city ; and such damages and recompense, together with said costs, charges and expenses, to be taxed and certified as aforesaid, shall constitute the whole amount of damages and recompense to be by said jury apportioned and assessed as aforesaid ; and the said jury shall make and return under their respective hands, into the said mayor's court, an inquisition in writing, of the amount of the damages and recompense which they shall assess as aforesaid, and the persons to whom the same shall be assessed, and also of the apportionment thereof in the manner above directed ; and shall also designate and describe the houses and lots of ground included in such apportionment ; and it shall also be the duty of the jury to set forth in the inquisition and apportionment the names of the owners, lessees and occupants of the houses and lots of ground upon which such damages and recompense, or any part thereof, shall be apportioned and assessed, as far as the same can be ascertained ; and the said inquisition of the said jury shall be returned to the said mayor's court at or before the second term thereafter, and on being confirmed by the said court, shall be conclusive and binding, as well upon the owner and owners, as upon the lessees or occupants mentioned therein, or intended to be effected thereby, his or their heirs, executors, administrators or assigns. Upon such confirmation, the mayor, aldermen and commonalty of said city shall deposite in some solvent bank in the city of Albany, to the credit of the owner or owners of each and every parcel of property taken and required for the purposes aforesaid, or shall pay to such owner or owners respectively, a sum of money equal to the value of such pieces or parcels of property respectively as assessed by said jury ; and in case of any deposit being so made, notice of the same shall be immediately published by the said mayor, aldermen and commonalty, in the state paper for ten days, specifying the name of the person to whose credit said deposit has been made, the amount thereof, and in what bank deposited ; and upon such payments or deposits being made, it shall be lawful for the said mayor, aldermen and commonalty to enter upon and take possession of the

ground, with the appurtenances required for public use, and assessed as aforesaid, and convert the same to the public use or uses for which it is required and has been assessed, under the restrictions hereinafter mentioned ; and in order to determine to whom or to whose credit such payments or deposits shall be made, it shall be the duty of the owner or owners of any property taken as aforesaid, to prove to the satisfaction of the said mayor's court, their title to the premises taken, or any part thereof, at any time after the proceedings shall have been commenced before said court, and before the close of the term at which the return of the jury shall be confirmed ; and if any owner neglects to prove his or her title to any part of the premises taken, the amount of the damages awarded by the jury for such portion of said premises, shall, nevertheless, be deposited as aforesaid, to the credit of such owner or owners, designating them as unknown owners, to be paid either wholly or in part to such person or persons as shall by the order of said court, to be thereafter made, be declared to be entitled thereto. And if any such owner is an infant, the said court may authorize the amount belonging to said infant to be paid to his or her guardian or trustee, on receiving satisfactory security from said guardian or trustee to account to the said infant for the same, if the case is one in which the court of chancery would require security from such guardian or trustee on receiving said money. And if the amount belonging to any infant is deposited as aforesaid, the fact of such infancy shall be stated in the entry of such deposit upon the books of the bank where the same shall be made ; and the amount deposited shall not be paid to the guardian or trustee of said infant until an order of the said mayor's court is obtained, authorizing such payment. And if it shall appear to the said mayor's court that the title to any part of the premises taken, and for which any award was made, was subject to any incumbrance or incumbrances, at the time of the confirmation of the said report of the jury, the said court may order that the amount of the said award, or so much thereof as may be necessary to satisfy said incumbrances, be paid to the party or parties holding the same according to their respective rights, or be deposited to their credit respectively, in like manner in all respects as aforesaid, unless the owner or owners of said premises, or any of them, shall object to any such payment or deposit ; in which case such amount shall be deposited to the credit of the clerk of the said court, subject to be paid out only on the order of the said court, on a settlement of the rights of the parties. And the said court shall proceed without delay, to determine the rights of the said incumbrances, and shall make such rule or order as may be equitable and according to the rights of the several parties : and if any of the parties concerned are dissatisfied with any decision or order of the said court in the premises, such party or parties

*Guardians
for infants in
cases of
dissolvments.*

may, within ten days thereafter, file his or their exception to the same ; and thereupon an issue may be made up and tried in said court, to determine the rights of all or any of the parties in that behalf, upon which the said court shall render judgment as in other cases. And the said mayor's court may, from time to time, make such rules and regulations relating to the practice and proceedings in said court, under this section, as shall be deemed proper.

Assessments
due, to be a
lien.

§ 51. The assessment and appraisal of the damages and recompense due to the owner or owners of any land required by the common council for the purposes in the last section specified, shall, after having been completed and confirmed as aforesaid, be filed in the clerk's office of the city and county of Albany, and be a lien on the houses and lots designated in the said inquisition, on which the same has been apportioned and assessed as aforesaid, from the time of such confirmation as aforesaid, until the same shall be paid or otherwise satisfied, with lawful interest from the time of such confirmation.

Notice to be
published.

§ 52. It shall be the duty of the said common council, within thirty days from the time of confirmation of such assessment and apportionment as last aforesaid, to cause a notice to be published at least twice in each week for three months in the newspaper printed by the printer of this state in the city of Albany, and in one other newspaper published in said city, requiring the owner or owners of the houses and lots, or other real estate, with the appurtenances, upon which any part of the damages and recompense aforesaid may have been assessed and apportioned as last aforesaid, to pay the chamberlain of the said city the amount thereof, with interest from the time of the confirmation thereof as aforesaid ; and that if default shall be made in such payment, such houses and lots and other real estate, will be sold at public auction, at a day and place to be specified in such notice, for the lowest term of years for which any person shall offer to take the same, for the sum apportioned and assessed thereon, with interest as aforesaid ; and if, notwithstanding such notice, the owner or owners shall neglect or refuse to pay such apportionment and assessment, with the charge of advertising, and the interest and costs accrued thereon, then it shall be lawful for the mayor, aldermen and commonalty to cause such houses and lots, or other real estate, to be sold at public auction as aforesaid, on the day and at the place in such notice specified for that purpose, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city ; and such purchaser, his executors, administrators and assigns, shall and may, by virtue thereof, and of this act, lawfully hold and enjoy the premises so sold, for his and their own proper use, against the owner or owners thereof, and all claiming under him or them, until his term shall be completed and ended, with full liberty to remove all the

buildings and materials at the expiration of the said term, which he or they shall have erected thereon.

§ 53. It shall be lawful for the said common council to order and direct the removal of any building standing on any lots or other real estate, which shall have been required and assessed as aforesaid, for any of the purposes aforesaid, on giving thirty days' previous notice to make such removal; and in case of neglect or refusal on the part of such owner or owners to remove such building, it shall be lawful for the said common council to direct the city superintendent to take down and remove the same at the expense of such owner or owners, to be paid out of the proceeds of the sale of the materials of such building, which the common council are, in such cases, authorized to cause to be sold at public vendue, on giving eight days' previous notice of the time and place of such sale, in one of the newspapers printed in the city of Albany.

Common council may remove buildings.

§ 54. In case any sum or sums which shall have been awarded as aforesaid, shall be paid by the said common council through mistake, to any person or persons who is or are not legally entitled thereto, it shall be lawful for the person or persons who shall be legally entitled thereto, his or their heirs, executors or administrators, or for the said mayor, aldermen and commonalty of the city of Albany, to sue for and recover the same, with lawful interest and costs of suit, from the person who shall have received such sum or sums, in any action of money had and received, to his or their use.

Erroneous payments of assessments, how corrected.

§ 55. In all cases where the whole of any lot, or other real estate, which is subject to a lease or other agreement, shall be required and taken by the said common council for any of the purposes aforesaid, all the covenants and stipulations contained in such lease or agreement, shall upon the confirmation of such assessment as aforesaid, by the said mayor's court, cease, determine and be absolutely discharged; and in all case where a part only of such lot or other real estate, shall be required and taken as aforesaid, the covenants, contracts and stipulations shall cease, determine and be absolutely discharged, so far only as relates to such part; and that it shall be lawful for the said mayor's court, upon the application in writing of either the landlord or tenant, or other party interested in the part of such lots or real estate, to appoint three disinterested freeholders, inhabitants of the said city, to determine the rents to be thereafter payable by virtue of such lease or agreement, for the residue of such lot or real estate, which shall be required and taken as aforesaid; and the determination in writing, under the hands of the persons so appointed, or any two of them, on being confirmed by the said mayor's court shall be conclusive and binding on all parties who may be interested in the part of such lot, or other real estate, required and taken as aforesaid.

Leases of real estate, how affected &c.

Authority to
pull down
and destroy
hazardous
buildings in
case of fire.

§ 56. When any building or buildings in the said city are on fire, it shall be lawful for the mayor or recorder, with the consent and concurrence of any two of the aldermen, or for any three of the said aldermen, to direct and order the same, or any other buildings which they may deem hazardous and likely to take fire and convey the same to other buildings, to be pulled down and destroyed; and upon the application of any person interested in any such buildings so pulled down or destroyed, to the mayor or recorder, or any three aldermen, it shall be their duty to issue a precept to the sheriff of the said city to summon a jury of twelve disinterested freeholders, to inquire of and assess the damages which the owners of such buildings, and all persons having any estate or interest therein, have respectively sustained by the pulling down and destroying thereof, which precept shall be executed, returned and proceeded upon, as nearly as may be in the manner prescribed by the "fiftieth" section of this act, and the said inquisition and assessment of the said jury, having been confirmed by the mayor's court of the said city, the sums thereby assessed shall be paid by the said mayor, aldermen and commonalty, to the respective persons in whose favor the jury shall have assessed the same, in full satisfaction of all demands and damages of such persons respectively, by reason of the pulling down or destroying such buildings, and the mayor's court before whom such process shall be returnable, shall have the like power to compel the attendance of jurors and witnesses upon any assessment of damages, in pursuance of this act, as in actions depending in the said court; and the expenses of such assessment shall also be borne and defrayed by the said mayor, aldermen and commonalty.

Buildings or
fences liable
to fall, may
be pulled
down.

§ 57. When, in the opinion of the common council of the city of Albany, they shall deem any building, fence or other erection liable to fall down, and endanger the lives of any persons, it shall be lawful for the common council to direct the owner or occupant to have the same taken down within such reasonable time as they shall think proper; and in case such direction shall not be complied with, it shall be lawful for the common council of the said city to direct the same to be taken down at the expense of such owner or occupant, to be recovered with costs of suit from such owner or occupant, in an action of debt, in the name of the chamberlain.

Damages for
altering the
levels of
streets, how
assessed.

§ 58. Whenever the mayor, aldermen and commonalty of the city of Albany, in common council convened, shall alter the pitch or level of any street in said city, to the damage of any person being an owner of any house or lot in such street, it shall be lawful, and is hereby made the duty of said mayor, aldermen and commonalty to appoint three disinterested freeholders, inhabitants of said city, whose duty it shall be, under oath, to inquire into and assess the damages and recompense which any owner or owners of any lot shall sustain by the al-

teration of an established level and pitch of such street; and then to apportion and assess such damages and recompense, together with the cost of the proceeding, upon the owner or owners of all the houses and lots of ground which are intended to be benefited by such alteration of the pitch or level of such street; and such proceeding shall be had thereupon in the like manner and with the like effect as is provided in the forty-fifth and forty-sixth sections of this act.

§ 59. In case the assessment and apportionment so made as aforesaid, shall not be accepted and confirmed by the said mayor, aldermen and commonalty, they shall have power, and are hereby authorized to appoint other assessors, whose duty it shall be, in the same manner as above stated, to make out another assessment and apportionment, and return the same to said common council, who shall proceed thereon in the manner above prescribed.

Damages for altering the levels of streets, how assessed.

§ 60. The owner or owners of any lot, to whom shall be awarded any sum of money for the damage sustained in consequence of the alteration of the pitch or level of any street as aforesaid, shall prove his, her or their interest in the premises so injured, before the mayor's court of said city, and on the production of the certificate of the clerk of said court to the chamberlain of said city, showing the extent of the said interest in the sum awarded, the said chamberlain shall pay such sum to such person, his, her or their attorney; and in case any such sum or sums shall be paid through mistake to any person or persons not legally entitled thereto, it shall be lawful for the person or persons legally entitled thereto, or for the mayor, aldermen and commonalty of the city of Albany to sue for and recover the same, with interest and costs of suit, from the persons who shall have received such sum or sums, in an action for money had and received to his use.

Duty of the chamberlain to pay owners, &c.

§ 61. Whenever any house or houses, lot or lots, or other real estate, shall be sold in the city of Albany, under the provisions of either of the several sections of this act, authorizing the sale of property in said city, to collect assessments, the owner or owners of any lot or lots, or other real estate so sold as aforesaid, shall have the privilege of redeeming such lot or lots, or other real estate, so sold as aforesaid, at any time within two years from the day of sale, by paying to the purchaser or purchasers thereof, or to the chamberlain of said city, for the use of such purchaser or purchasers, the consideration money, together with interest thereon, to be computed at and after the rate of fifteen per centum per annum; and where such owner or owners, or any of them, are non-residents of said city, the time for such redemption shall be extended to five years from the day of sale.

Property sold, how to be redeemed

§ 62. It shall be the duty of the attorney of the common council of the city of Albany, to conduct all the proceedings and render all the services necessary to perfect the sale and

Duty of city attorney.

transfer of real estate in said city, in cases where the same shall be sold or advertised for sale, for the non-payment of any assessment imposed or to be imposed thereon, by virtue of the provisions of either of the several sections of this act, authorizing the sale of property in said city, to collect assessments; and he shall be entitled to receive for such services including all the necessary expenses to perfect such sale and transfer, such sum as shall be fixed by the said common council, not exceeding eight dollars for each lot that shall be separately advertised and sold, to be paid by the purchaser as part of the consideration of the sale. If the amount assessed on any lot shall be settled after the advertisement and before the sale thereof, the person so settling such assessment shall pay to the said attorney in full for his services, and of all costs and expenses of such advertisement, such a sum as shall be fixed by the said common council not exceeding five dollars; and it shall not be lawful to collect or receive either of the owner or purchaser of any lot so advertised or sold as aforesaid, any other or greater sum for the costs and expenses of such advertisement or sale than is in this act specified, or shall be fixed as aforesaid.

Compensation.

State and county to pay certain assessments.

§ 63. It shall be lawful for the said common council to order the streets within the said city, in front of any ground belonging either to the people of this state, or to the supervisors and inhabitants of, or appropriated to the use of the county of Albany, to be pitched, levelled, and paved, in the same manner as the other streets within the said city are directed by law to be pitched, levelled and paved; and the expenses incurred by the said common council for those purposes, shall, so far as respects the ground belonging to the people of this state, be paid by the Treasurer, on the warrant of the Comptroller, to the chamberlain of the said city: and the supervisors of the said county shall cause the sums necessary to defray the said expenses, so far as relates to the grounds belonging or appropriated to the use of the said county, to be levied and collected as part of the contingent charges of the said county, and to be paid to the said chamberlain.

Buildings, & dimensions of. —

§ 64. Every building hereafter to be erected within the bounds of the city of Albany, east of Lark-street to the north and south bounds thereof, exceeding twenty-five feet square, or twenty-five feet in depth, and twenty-five feet in front along the street, and twenty-five feet in height from the surface of the street, or the common surface of the earth either front or rear, to the top or ridge of the roof, shall be built of stone, brick, or timber faced with brick, and the roof thereof covered with slate, tile, tin or other fire proof materials: Provided always, that all roofs of steeples, cupolas, and spires of churches, and other public buildings, may be covered with boards and shingles, any thing in this act to the contrary notwithstanding.

Proviso.

And provided also that the common council may make from time to time such alterations as to the bounds or limits aforesaid, and also as to the dimensions, materials and construction of all buildings hereafter to be erected or built within the same, as they shall deem proper.

§ 65. If any building shall be erected or constructed contrary to this act, the proprietor or proprietors thereof shall, for every such offence, forfeit and pay the sum of one hundred dollars and the further sum of twenty-five dollars for every month such offence shall be and continue; and the workmen who shall build, construct, raise and erect such building, contrary to this act, shall, for every such offence, forfeit and pay the sum of fifty dollars, to be recovered with costs of suit, in any court of record within this state, by the chamberlain of the said city, for the use thereof, which suit shall be under the control and direction of the common council of the said city; and such building shall be deemed a common nuisance, and the mayor's court of said city shall have cognizance of such offences, and the same may be prosecuted on indictment therein; and on conviction, the said court shall have power to impose such fines and penalties as it may deem proper; and also in its discretion, may order such nuisance to be removed.

Penalties for offences against preceding section.

§ 66. The said common council shall and may, from year to year, cause a tax not exceeding twenty-three thousand dollars, to be assessed, collected and paid in the same manner as the other contingent expenses of the said county are assessed, collected and paid, for defraying the expenses of supporting the night watch and lighting the lamps within the said city; and the chamberlain shall annually publish a statement of the moneys received and expended by virtue of this section, in one or more of the public papers printed in the said city.

\$23,000 may be raised for lamps, &c.

§ 67. The mayor, aldermen and commonalty of the city of Albany, in common council convened, shall and may from year to year cause a tax not exceeding twenty thousand dollars, to be assessed, collected and paid, in the same manner as the other contingent expenses of the county of Albany are assessed, collected and paid, for the defraying of contingent expenses of the city of Albany; and the supervisors of the county of Albany being served with a copy of the resolution of said common council of Albany, directing such sum, and specifying the purposes for which such sum is required to be raised, shall cause the same to be raised, assessed and collected according to law; and such moneys when collected, shall be paid to the chamberlain of the said city, and shall be drawn for and applied under the direction of the common council of said city.

\$20,000 for contingent expenses.

§ 68. All the estates, real and personal, situate within the city of Albany, west of Perry-street, shall be and hereby are declared exempted from taxation for the purpose of raising money to pay the city watch, to purchase oil, provide lamps, and

Certain property to be exempted from taxation.

to put up the same, and for repairing, cleansing and lighting the lamps which now are or hereafter may be erected within that part of said city which is situated east of Perry-street aforesaid, and for making, cleansing and repairing public wells and pumps within the said city, east of Perry-street as aforesaid.

Board of
assessors.

§ 69. The assessors chosen in the several wards of said city shall form a board of assessors, and that an assessment roll for each ward, shall as heretofore be made, but the valuations in each ward shall be determined by the board of assessors, or a majority of them.

Superintend-
ent of the
markets.

§ 70. The mayor of the said city, as clerk of the market, shall at least once in every year, and oftener, if he shall deem it necessary, by writing under his hand and seal, appoint one inhabitant of the said city, being a citizen of the United States, to be the superintendent of the markets in the said city, whose duty it shall be, under the direction of the said mayor, to inspect the weights, measures and balances, that shall or may be used in the said markets, and to seize and destroy such as are not according to the established standard; and also to inspect on every market day, all meats and fish that may be exposed for sale in said markets, and to seize and destroy such as may be tainted or otherwise unfit to eat; and also to inspect the stalls and fish stands in the said markets, and to cause the occupants to keep them clean, and to keep clean the equal half of the said markets fronting and adjoining to said stalls, and also to inquire into the conduct of all persons who shall expose for sale or vend any provisions in said markets, and whether they or any of them, are guilty of any infraction of the by-laws of the common council, and to report all offenders against such by-laws to the chamberlain of the said city; whose duty it shall be forthwith to prosecute the offenders for the penalties annexed to their several offences.

Duties of
superintend-
ent of
market.

§ 71. It shall be lawful for the said superintendent of the markets to exact and receive from the said butchers and venders of fresh fish respectively, such sums as the said common council shall from time to time prescribe, which sums the said superintendent shall account for to the said common council: Provided always, that it shall not be lawful for the said superintendent to exact and receive as aforesaid, more than six cents for every quarter of beef, and four cents for every calf, sheep and hog, and two cents for every carcass of other meat of whatsoever kind it may be, which shall be cut up or exposed for sale in the said market by any of the said butchers: And further, the said superintendent shall, before he enters upon the execution of his said office, take and subscribe an oath or affirmation before the mayor or recorder of the said city, well and faithfully to execute the duties of the said office, without favor, affection or partiality, and file the same in the office of the clerk of the said city.

§ 72. It shall be lawful for the said mayor, by writing under his hand and seal, to license so many butchers and venders of fresh fish, within the said city as he shall deem necessary, subject to such regulations as the common council may adopt, which license shall endure until the second Tuesday of May in every year next after their date, unless the same shall be sooner suppressed by the mayor or recorder, and any two aldermen of the said city, by reason of any infraction of the by-laws of the common council, or for other mal-conduct of such butchers or venders of fresh fish in the course of their trade, which shall be inquired of and determined in a summary way.

Licenses to butchers and venders of fresh fish.

§ 73. It shall be lawful for the said common council from time to time to appoint so many of the members thereof, as shall be thought necessary to form a board of health, to aid and assist the mayor and recorder of the said city, to carry into effect the provisions of the several statutes which are or may be passed to preserve the health of the said city, and to prevent the introduction and spreading of infectious and pestilential diseases in the same; and the said board, in conjunction with the said mayor or recorder, shall have the like powers and authority for the purposes aforesaid, as are possessed by the mayor and recorder and the board of health of the city of New-York. The members of the said board of health shall receive a reasonable compensation for their services, to be determined by the said common council, and paid by the mayor and commonalty of the said city.

Board of health.

§ 74. It shall be lawful for the common council of said city, to prohibit any public shows or exhibitions in said city under the penalty of one hundred dollars for every offence, or to grant licenses therefor, under such restrictions as they may deem proper; and in their discretion, they may exact and receive for such licenses such sum or sums of money as they may think reasonable, not however to exceed the sum of ten dollars for any one license.

Public shows.

§ 75. Upon the trial of any issue, or upon the taking or making of any inquisition, or upon the judicial investigation of any facts whatever, to which issue, inquest or investigation, the mayor, aldermen or commonalty of the said city are a party, or in which they are interested, no person shall be deemed an incompetent witness or juror, by reason of his being an inhabitant, freeholder or freeman of the said city. And if any person shall be sued or impleaded by reason of any thing done by virtue of this act, it shall be lawful for such person to plead the general issue, and to give this act and the special matter in evidence at the trial.

Inhabitants deemed competent witnesses in certain suits.

§ 76. The right of ferry granted by the charter of the said city to the mayor, aldermen and commonalty thereof, shall be so construed as to vest in the said mayor, aldermen and commonalty the sole and exclusive right of establishing, licensing and regulating all ferries on each side of the Hudson river,

Right of ferryage to and from Greenbush.

leading from Greenbush opposite the east bounds of the original four wards of the said city to the said city, and from the original four wards of the said city to Greenbush.

Salary of
mayor.

§ 77. It shall and may be lawful for the common council of the said city, to give and grant unto the mayor thereof for the time being, in lieu of all fees and perquisites, such salary not exceeding per annum the sum of one thousand five hundred dollars, and not less than four hundred dollars, as such common council shall direct, payable out of the treasury of the said city quarter yearly, and thereupon all sums of money payable to the said mayor for his services as such, shall be paid into the treasury of the said city for the use thereof.

Certain
barriers
across
streets.

§ 78. It shall be lawful for the trustees of any religious society in the city of Albany, with the consent of the mayor or recorder, or any two aldermen of the said city, to erect barriers across any streets in the said city, and contiguous to the respective places of worship in the said city, so as to prevent the passage of carriages during divine service on the Sabbath day, and such other days as are set apart for public religious worship by lawful authority: provided always, that such barriers shall not be erected before nine o'clock in the forenoon, nor continue after five o'clock in the afternoon, and shall not obstruct the sidewalks of any street.

Salaries of
certain offi-
cers.

§ 79. It shall be lawful for the common council of the said city to allow such salaries to the recorder of the said city, and also to the different officers appointed by the said common council, as they shall deem just and reasonable: provided that nothing in this section contained shall apply to the salary of the mayor.

Laws, &c. =
of city may
be read in
evidence. /

§ 80. All laws, ordinances, and regulations of the common council of the city of Albany may be read in evidence in all courts of justice, and in all proceedings before any officer, body, or board in which it shall be necessary to refer thereto, from a printed volume thereof, authenticated by the certificate of the mayor, under the city seal, and of the clerk of the common council, that such volume contains true copies of the laws and ordinances of said city.

Penalty for
embezzle-
ment of the
public
money.

§ 81. If any officer appointed by the corporation, and charged with the receipt, safe keeping, or disbursement of the public money, shall convert to his own use, in any way whatever, or shall use by way of private investment, any kind of public property, or shall loan, with or without interest, any portion of the public money entrusted to him for safe keeping or disbursement, or for any other purpose, every such act shall be deemed and be adjudged to be an embezzlement of so much of the said moneys or property as shall be thus taken, converted, invested, used or loaned, which is hereby declared to be a felony; and all persons abetting or participating in such act, being convicted thereof before any court of competent jurisdiction, shall be sentenced to imprisonment for a term not less than six months

nor more than three years, and to a fine equal to the amount of the money or property embezzled.

§ 82. The act authorizing the appointment of a justice of the peace for the fifth ward of the city of Albany, and all other laws that are inconsistent with the provisions of this act, shall be, and the same are hereby repealed. Repealing clause.

§ 83. The rights, privileges and powers conferred by this act, which are not contained in any former charter of the city of Albany, shall be subjected to the right of the legislature at any time to repeal, alter or modify the same. Right of the legislature.

CHAP. 276.

AN ACT to repeal an act authorizing the laying out of a road from Johnsburch to the State road in Hamilton county, passed the 27th April, 1841.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The act entitled "An act to authorize the laying out of a road from Johnsburch to the State road, in Hamilton county," passed the twenty-seventh April, eighteen hundred and forty-one, is hereby repealed. Repeal.

§ 2. This act shall take effect immediately.

CHAP. 277.

AN ACT in relation to proceedings in the Court of Chancery against absent, concealed, or non-resident defendants, unknown owners in partition, and to the foreclosure of mortgages by advertisement.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The one hundred and twenty-second section of the second Title of the first Chapter of the third Part of the Revised Statutes is hereby amended, by adding thereto the following subdivision :

3. When the last known place of residence was within this state, but his residence at the time cannot, on due inquiry, be ascertained by the complainant or his solicitor. Residence

§ 2. The one hundred and twenty-third section of the said Title is hereby so amended as to read as follows :

The order shall require the defendant to appear and answer his bill as follows : Defendant when to appear.

1. If he be a resident of the state within two months from its date.

2. If his last known place of residence was in this state, but his present place of residence cannot on due inquiry be ascertained; or if he be a resident of some other of the United States, or of one of the territories thereof, or of either of the British Provinces in North America, or the Republic of Texas, within three months from its date.

3. If he be a resident of any other state or country not before mentioned, within six months from its date.

§ 3. The one hundred and twenty-fourth section of the said Title is hereby so amended as to read as follows:

Notice to be inserted in newspapers.

Within twenty days from the date of such order, a notice thereof shall be inserted in the state paper, and in such other public newspaper printed in this state, as the court shall direct; such publication shall be continued in each of such papers once at least in each week, for three weeks in succession, which notice shall be substantially in the following form: "Before the chancellor," or "Before the vice-chancellor of the circuit," as the case may be, "A. B. vs. C. D. and others."

"Bill for foreclosure of mortgage," or "Bill for partition of lands," or, as the case may be, "E. F. of complainant's solicitor."

"G. H. one of the defendants in this cause, whose place of residence is in or, whose place of residence is unknown, is required to appear in this cause, by the day of next, or the bill filed therein will be taken as confessed by him." But such publication shall not be necessary, provided a copy of such order shall have been served on such defendant personally, at least twenty days before the time prescribed for the appearance of such defendant.

Applicable to suits in partition.

§ 4. This act shall apply to suits instituted for the partition of lands, as well as to all other suits instituted in the court of chancery, and shall be applicable to unknown owners in partition suits; and so much of section two of the act entitled "An act in relation to the partition of lands," passed April 21, 1831, as requires any different order, or the publication of a different notice, or for a different time than as in this act prescribed, is hereby repealed.

Amendment

§ 5. The third section of the fifteenth Title of the eighth Chapter of the third Part of the Revised Statutes is hereby amended by striking out the words "twenty-four," and inserting in their place the word "twelve" in each subdivision thereof, so that the said section as amended will read as follows:

Mortgage sale.

§ 3. Notice that such mortgage will be foreclosed by a sale of the mortgaged premises, or some part of them shall be given as follows:

1. By publishing the same for twelve weeks successively, at least once in each week, in a newspaper printed in the county

where the premises intended to be sold shall be situated, or if such premises shall be situated in two or more counties, in a newspaper printed in either of them.

2. By affixing a copy of such notice, at least twelve weeks prior to the time therein specified for the sale, on the outward door of the building where the county courts are directed to be held, in the county where the premises are situated; or if there be two or more such buildings, then on the outward door of that which shall be nearest the premises.

§ 6. The twelfth section of the act entitled "An act to re-^{Repeal.}duce the expense of foreclosing mortgages in the court of chancery," passed May 14, 1840, is hereby repealed. And the eighth section of the fifteenth Title of the eighth Chapter of the third Part of the Revised Statutes is hereby amended, so as to read as follows :

§ 8. Every sale pursuant to a power as aforesaid, and conducted as herein prescribed, hereafter made to a purchaser in good faith, shall be equivalent to a foreclosure and sale under the decree of a court of equity; so far, only, as to be an entire bar of all claim or equity of redemption of the *mortgagee*,* his heirs and representatives, and of all persons claiming under him or them, by virtue of any title subsequent to such mortgage; and also, of any person having a lien by any judgment or decree upon the land, or any part thereof, contained in such mortgage, subsequent to such mortgage, and of every person having any lien or claim by or under such subsequent judgment or decree. ^{Effect of sale.}

CHAP. 278.

AN ACT for the relief of the children and heirs of Catharine Jones, deceased.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The title of the children and heirs at law of Catharine Jones, late of the island of Bermuda, deceased, (formerly Catharine Gibson of the city of New-York,) to two certain lots of land in the fourteenth ward of the city of New-York, situate at the corner of Hester and Elizabeth streets, being about forty-seven feet on Hester street, and about one hundred feet on Elizabeth-street, shall be as valid and effectual in them, and their heirs and assigns, from the death of the said Catharine Jones, as if they had been citizens of the United States at the time of the death of the said Catharine Jones. ^{Title made valid.}

§ 2. This act shall take effect immediately.

* So in the original.

CHAP. 279.

AN ACT to confirm the title of the American Tract Society to certain real estate in the city of New-York.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Title confirmed.

§ 1. The conveyance executed by Arthur Tappan, Anson G. Phelps and Moses Allen, of the city of New-York, to the American Tract Society, bearing date the thirty-first day of July, one thousand eight hundred and forty-one, of certain premises in the city of New-York held by the said grantors in trust for the said American Tract Society, and the conveyance executed by John Stearns, Richard T. Haines, William Forrest and Thomas C. Doremus, of said city, to the said American Tract Society, bearing date the thirty-first day of July, one thousand eight hundred and forty-one, of certain premises in the city of New-York, held by the said last mentioned grantors in trust for the said society, be and the same are hereby confirmed ; and all the estate, right, title and interest of the individuals comprising the said society at or before the time of the incorporation thereof, are hereby declared to be vested in fee simple in the said American Tract Society, under and by virtue of said several deeds.

Fee in society.

§ 2. This act shall take effect immediately.

CHAP. 280.

AN ACT to enable Robert Hyde Greg to take, hold and convey real estate.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Authorized to hold and convey real estate.

§ 1. Robert Hyde Greg, of Manchester, England, is hereby authorized to take, hold, convey, demise and devise any real estate in the counties of Delaware and Sullivan within this state, in which he holds by inheritance an individual interest, or which were owned by the late Campbell Sweeney, deceased, not exceeding in the whole nine thousand acres, in the same manner as if he were a citizen of the United States, and his title thereto shall not be affected or impaired by reason of the alienage of any child, heir or other person deriving title through the said Campbell Sweeney.

§ 2. This act shall continue in force for twenty years.

CHAP. 281.

AN ACT to amend and renew the act entitled "An act authorizing the supervisors of the county of St. Lawrence to levy a tax for the benefit of the Canton Academy, in the town of Canton," passed April 4, 1837.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The board of supervisors of the county of St. Lawrence are hereby authorized to cause to be levied and collected, at each of their two next annual meetings, the sum of two hundred and fifty dollars, upon the taxable property and taxable inhabitants of the town of Canton, in the same manner as other town charges are levied and collected, in lieu of the sum of five hundred dollars authorized lastly to be levied by virtue of the act hereby amended ; which sums, when collected, shall be paid to the treasurer of Canton academy, to be applied in payment of debts incurred by Canton academy, for the erection of academic buildings. Money to be raised by tax.

§ 2. Those parts of the act hereby amended and renewed which are inconsistent with the provisions of this act, are hereby repealed. Repeal.

CHAP. 282.

AN ACT relative to school district number five in the city of Rochester.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall be the duty of the common council of the city of Rochester, when thereunto required by the trustees of school district number five in said city, to levy and raise upon the said district the sum of one thousand dollars, in addition to the amount now authorized by law to be raised upon said district, for the purpose of completing the school house therein ; which sum shall be assessed, levied and collected upon the taxable property within the said school district, in the same manner as the general taxes of the said city are levied and raised, except that the same shall be collected on a separate warrant, and when the same shall be collected it shall be paid to the city treasurer and credited to the said district. Money to be raised by tax.

§ 2. The said money shall be paid out to the trustees of said district, by the said treasurer, upon their executing a bond to How applied.

the common council of said city, in a penalty double the amount of the moneys so raised, with sureties to be approved by the said board, conditioned that they will faithfully pay over and account for all moneys which shall come into their hands as such trustees, under this act, which bond, when approved, shall be filed with the treasurer of said city.

CHAP. 283.

AN ACT to authorize an additional sum of one thousand dollars to be raised by tax in the village of Rome.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Money to be
raised by
tax.

§ 1. The trustees of the village of Rome are hereby authorized to raise, levy and collect from the inhabitants of said village, and upon the taxable property therein, the sum of one thousand dollars, in addition to such sum as they are now allowed to raise, levy and collect, which sum, and any part thereof, when collected, shall be applied to the payment for an additional fire engine and of fire apparatus for the use of said village.

How levied
and collect-
ed.

§ 2. Said sum of one thousand dollars shall be levied and collected by instalments of five hundred dollars in each year, and shall be raised, levied and collected in the same manner as is provided for the raising, levying and collection of any sum to defray the ordinary expenses of the said corporation, in and by the provisions of the act, entitled "An act to alter the charter of the village of Rome," passed April 21, 1835.

CHAP. 284.

AN ACT to incorporate the Commercial Insurance Company in the city of New-York.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation
created.

§ 1. There shall be established in the city of New-York an insurance company, to be called "The Commercial Insurance Company."

General and
special
powers.

§ 2. In addition to the general powers and privileges of a corporation, the company hereby established shall have power by instrument under seal and otherwise,

1. To make insurance upon vessels, freight, goods, wares, merchandise, specie, bullion, jewels, profits, commissions, bank notes, bills of exchange, and other evidences of debt, bottomry and respondentia interests, and to make all and every insurance appertaining to or connected with marine risks and risks of transportation and navigation.

2. To make insurance on dwelling houses, stores and other buildings, and upon household furniture, merchandise and other property, against loss or damage by fire.

3. To cause themselves to be re-insured when deemed expedient, against any risk upon which they shall have made or may make insurance.

§ 3. All the corporate powers of the said company shall be exercised by a board of trustees, and such officers and agents as they may appoint; the board of trustees shall consist of thirty-two persons, all of whom must be residents of this state; they shall elect a president and vice-president annually, who shall on their election be ex-officio members of the board, and shall hold their offices until others are elected in their stead. Said board shall have power to declare by a by-law, what number of trustees less than a majority shall be a quorum, not less however than eleven at any time.

Corporate powers, how to be exercised.

§ 4. Thomas Hale, Josiah Lane, Charles B. Moore, Thomas F. Youngs, John A. Underwood, S. Townsend Nicoll and John D. Jones, are hereby appointed commissioners, whose duty it shall be, or the duty of a majority of them, within two years from the passage of this act, to receive applications for insurance to be effected by said company; and when applications amounting to five hundred thousand dollars shall have been received, said commissioners shall give notice to the persons who have made such application of a meeting for the election of thirty-two trustees, and three inspectors for the next election; said commissioners, or any three of them, shall be inspectors of the first election, and every person having so made application for insurance, shall be entitled to vote at said election, and the persons chosen at said election shall be trustees of said company for the ensuing year, and shall, as soon as may be thereafter, proceed and organize the company, and choose a secretary and such agents and clerks as they may deem necessary.

Commissioners to receive applications for insurance.

§ 5. The trustees shall at their first meeting divide themselves into four classes of eight each; the term of the first class shall expire at the end of one year, the second at the end of two years, the third at the end of three years, and the fourth at the end of four years; the seats of these classes shall be supplied by members of this corporation; and vacancies occasioned by death, resignation or removal from this state, may be filled by the board of trustees, a plurality of votes constituting a choice. This section shall not be construed to prevent

Classification of trustees.

a trustee going out from being eligible as a new trustee ; each class shall hold over until others are elected in their stead.

Persons
deemed
members of
the com-
pany.

§ 6. Every person having taken a policy during the preceding year directly in his own name, or in the name of his firm, the premium on which shall amount to one hundred dollars, and every person holding in his own name, or in the name of his firm, a certificate of profits of the company amounting to one hundred dollars, not discharged by payments or losses, shall be deemed a member of said company, and entitled to vote in person, or by proxy, at all elections. Every person who shall become a member of this corporation by effecting insurance shall pay the rates that shall have been fixed upon by the trustees or officers of the company ; and the premium so paid shall be liable to pay the losses and expenses incurred by the company, until applied to the redemption of certificates as herein-after mentioned.

Investments.

§ 7. It shall be lawful for said company to invest said premiums in bonds and mortgages on unincumbered real estate within the state of New-York, worth fifty per cent more than the sum charged thereon ; and also, in any stocks created by or under the laws of the United States or of this state, and to loan the same upon the security of such stocks, and on bottomry and respondentia or otherwise, and to change and reinvest the same.

Elections.

§ 8. After the first election, annual elections shall be held for the election of eight trustees, and for three inspectors of the next election. Notice of the time and place of holding every election shall be given in two public newspapers printed in the city of New-York, for one week preceding such election.

Annual
dividend
statement to
be made.

§ 9. After the first year, an annual dividend statement shall be made, containing a fair estimate of the nett profits of the company, up to the last day of December of each year, and not before divided, in which allowance shall be made for any deficiencies or errors in previous estimates. The board of trustees may then declare a dividend, and the officers of the company may thereupon issue certificates of a certain per cent on the premiums received for risks marked off during that period, to the persons in whose names the policies of insurance were made, or to their representatives, which certificates shall be conclusive on all the parties entitled to receive them, and not be changed although the actual payments of losses and expenses shall prove to be more or less than the estimates ; but such certificates shall be transferable only on the books of the company, and be subject to be called in or reduced if the losses and expenses in any subsequent year shall exceed the estimated profits of such year. No certificate shall be issued for sums between even tens of dollars, nor for any sum less than ten dollars ; and any sum or sums divided and remaining un-

claimed five years, shall be carried to the credit of the company.

§ 10. On some day in the month of January, after the expiration of the first year from the time when the said company shall issue its first policy, and within the first month of every subsequent year, the officers of the said company shall cause to be made and printed, a general balance statement of the affairs of the said company, specifying the amount of premiums received, and of expenses and losses sustained during the year, the balance remaining with the company and the nature of the security on which the same is invested, showing what amount is invested on real security in the city of New-York, what in stocks, what in other securities, and what amount of cash is on hand. A printed copy of this statement shall be delivered to each member, on request, and the said statement shall be printed daily, for one week after the first month of each year as aforesaid, in the state paper and in two daily papers in the city of New-York.

§ 11. The said company may divide among the holders of certificates such of the interest received from investments, not exceeding six per cent, as may appear not to be required for the payment of losses and expenses; and whenever the accumulated nett profits shall exceed five hundred thousand dollars, the excess may, and in case such nett profits shall exceed one million of dollars, such excess shall be applied from year to year thereafter, towards the redemption of each year's certificates, successively, in whole or in part; but the certificates of a subsequent year shall not be redeemed until all those of preceding years are provided for.

§ 12. The company, for the better security of its dealers, may receive notes for premiums in advance, of persons intending to receive its policies, and may negotiate such notes for the purpose of paying claims or otherwise, in the course of its business; and on such portions of said notes as may exceed the amount of premiums paid by the respective signers thereof at the successive periods when the company shall make up its annual statement as hereinafter provided for; and on new notes taken in advance thereafter a compensation to the signers thereof, at a rate to be determined by the trustees, but not exceeding five per cent per annum, may be allowed and paid from time to time, provided the compensation so allowed does not in any case exceed the nett profits of the company at the time.

§ 13. It shall and may be lawful for the said company to receive from any person or persons any sum or sums, to the extent of one hundred thousand dollars, upon such terms and for such periods as may be mutually agreed on, and to allow legal interest therefor; and after each dividend statement required hereby, to apportion and pay the nett profits thereon, or

deduct losses therefrom pro rata, upon the amounts thus received, and the premiums subsequently earned and marked off, until the amounts received as aforesaid shall be refunded or exhausted in losses.

Debtors. § 14. In case any person or persons entitled to a certificate, shall be indebted to the company for sums passed due and unpaid, the company may withhold the certificate, and deduct such sum or sums from the amount thereof, or reduce or cancel the same; but persons insuring or entitled to certificates, shall not be answerable by reason thereof, or of any thing contained herein, except for the payment of their premiums, or other notes given in advance for premiums.

Suits. § 15. Suits at law or in equity may be prosecuted and maintained by any member against said company, and no member of the company, not being in his individual capacity a party to a suit, shall be incompetent as a witness.

Sections R. S. not applicable. § 16. The sections of the Revised Statutes from nineteen to twenty-five, both inclusive, of the first Article of the second Title of the eighteenth Chapter of the first Part, shall not be applicable to the company hereby established.

Location. § 17. The operations and business of the company shall be carried on at such place in the city of New-York as the trustees may direct, and not elsewhere.

§ 18. The legislature may at any time alter or repeal this act.

Duration of act. § 19. This act shall take effect immediately, and continue in force for the period of thirty years.

CHAP. 285.

AN ACT *concerning courts of common pleas of the county of Jefferson.*

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

One judge may hold court.

§ 1. Any judge of the county courts of the county of Jefferson, of the degree of counsellor in the supreme court, may hold any term of the court of common pleas of said county, whenever the other judges of said court shall be absent therefrom.

§ 2. This act shall take effect immediately.

CHAP. 286.

AN ACT to raise money for roads and bridges in the town of Glen.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The supervisors of the county of Montgomery are hereby authorized, at their next annual meeting, to cause to be levied and collected upon the taxable inhabitants of the town of Glen, in said county, in the same manner as other contingent charges of said town are by law directed to be levied and collected, a sum not exceeding five hundred dollars, in addition to the sum of two hundred and fifty dollars, now authorized by law, for the building and repair of roads and bridges in said town.

Money to be raised by tax.

§ 2. The said sum of money, when so raised and collected, shall be paid over to the commissioners of highways of said town, or their successors in office, for the purposes aforesaid.

To whom to be paid.

§ 3. It shall be the duty of the said commissioners to account to the board of town auditors of said town, for the moneys they may receive by virtue of this act, at the next annual meeting of said board, after the receipt of the moneys aforesaid.

Account to be rendered.

§ 4. This act shall take effect immediately.

CHAP. 287.

AN ACT to incorporate the New-York Mutual Insurance Company.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. There shall be established in the city of New-York, an insurance company, for life, fire, inland navigation and transportation, and marine risks, to be called the New-York Mutual Insurance Company.

Corporation created.

§ 2. In addition to the general powers and privileges of a corporation, as the same are declared by the third Title of the eighteenth Chapter of the first Part of the Revised Statutes, the corporation hereby created shall have power by instrument, under seal or otherwise.

General and special powers.

1. To make insurances on lives, and to make all and every insurance appertaining to life :

2. To make insurance on dwelling houses, stores and other

buildings, household furniture, merchandise and other property against loss or damage by fire :

3. To make marine insurance upon vessels, freight, goods, wares and merchandise, specie, bullion, commissions, profits, bank notes, bills of exchange and other evidences of debt, and upon bottomry and respondentia interest ; and to make all and every insurance appertaining to or connected with marine or inland transportation or navigation risks :

4. They may cause themselves to be re-insured against any risk upon which they have made or shall make insurance.

Corporate powers to be exercised by trustees.

§ 3. All the corporate powers of the said company shall be exercised by a board of trustees, and such officers and agents as they may appoint. The board of trustees shall consist of twenty persons, all of whom must be citizens of this state ; they shall elect a president and vice-president annually, who shall on their election be ex-officio members of said board of trustees, and shall hold their office until others are elected in their stead ; nine or more of the said trustees shall constitute a quorum for the transaction of business.

Commissioners to receive applications for insurance.

§ 4. Bache McEvers, David S. Kennedy, Daniel Trimble, Stewart Brown and Robert B. Minturn, of the city of New-York, are hereby appointed commissioners, whose duty it shall be, within two years from the passage of this act, to open books to receive applications for insurance to be effected by said company ; and as soon as applications amounting to five hundred thousand dollars shall be received they shall give notice of the time and place of meeting of such persons, for the election of twenty trustees, and also of three inspectors to preside at the election of trustees next succeeding the first election ; such notice to be published daily for the space of one week next preceding such meeting in at least two of the public newspapers printed in the city of New-York and in the state paper ; and every person having so made application for insurance shall be entitled to vote at said election, and the persons chosen at said election shall be the trustees of the said company for the ensuing year.

Classification of trustees.

§ 5. The trustees shall, at their first meeting, divide themselves by lot, into four classes of five each : the term of the first class shall expire at the end of one year ; the term of the second class shall expire at the end of two years ; the term of the third class shall expire at the end of three years ; and the term of the fourth class shall expire at the end of four years ; and so on successively each and every year. The seats of the several classes shall be supplied by the members of this corporation ; and vacancies occasioned by death, resignation or removal from the state shall be filled by the board of trustees, a plurality of votes constituting a choice. Each class shall hold over until others are elected in its stead ; and this section shall not be so construed as to prevent a trustee going out from being eligible as a new trustee.

§ 6. Every person having taken a policy during the preceding year, directly in his own name or in the name of his firm, and every person holding in his own name or in the name of his firm, a certificate or certificates of the company (not discharged by payment of losses) for a proportionate share of the premiums earned as hereinafter provided for, to the amount of one hundred dollars, shall be deemed a member of said company and entitled to vote in person or by proxy at all elections; and every person holding such certificate or certificates, in his own name or in the name of his firm, shall be entitled to an additional vote for every sum of one hundred dollars, over the first one hundred dollars included in the same; provided, however, that in no case shall any such person have a right to give more than one hundred votes.

Persons deemed members of the company.

§ 7. Every person who shall become a member of this corporation by effecting insurance therein, shall, the first time he effects insurance and before he receives his policy, pay the rates that shall be fixed upon and determined by the trustees; and no premiums so paid shall be withdrawn from said company during its continuance, but shall be liable to all the losses and expenses incurred by the company during the continuance of its charter: Nothing, however, in this section contained shall prevent the said company from receiving notes for premiums on marine insurances effected by the said company.

Rates to be paid on effecting insurance.

§ 8. It shall be lawful for the said company to loan all premiums received, and to invest the same in bonds and mortgages on unincumbered real estate within the state of New-York, worth fifty per cent more than the sum charged thereon, in all stocks created by or under the laws of this state or of the United States, and in bottomry and respondentia bonds; but the amount invested in bottomry or respondentia bonds shall not, at the time of such investment exceed one-half of the nett profits made by such company.

Investments in bonds and mortgages.

§ 9. The company, for the better security of its dealers, may receive notes for premiums in advance of persons intending to receive its policies, and may negotiate such notes for the purpose of paying claims or otherwise, in the course of its business; and on such portions of said notes as may exceed the amount of premiums paid by the respective signers thereof at the successive periods when the company shall make up its annual statement as hereinafter provided for; and on new notes taken in advance thereafter, a compensation to the signers thereof, at a rate to be determined by the trustees, but not exceeding five per cent. per annum, may be allowed and paid from time to time.

Notes may be received for premiums.

§ 10. After the first election, annual elections shall be held for the choice of trustees, and of three inspectors to hold the next elections; notice of the time and place of such elections shall be given by the trustees in two public newspapers printed

Elections.

in the city of New-York, and in the state paper daily for one week preceding such elections.

Estimate of
profit and
loss to be
made.

§ 11. The officers of the company at the expiration of one year from the time that the first policy shall have been issued and bears date, and within one month thereafter, and during the first month after the expiration of every subsequent year, shall cause an estimate to be made of the profits and true state of the affairs of the said company, as near as may be for the preceding year, and so on for each successive year; which estimates shall be conclusive upon all persons entitled to receive certificates as hereinafter provided for, and shall thereupon cause a balance to be struck of the affairs of the company in which they shall charge each member with a proportionate share of the losses of the company, according to the original amount of premium paid by him; but in no case shall such share exceed the amount of such premium. Such member shall be credited with his proportionate share of the amount of premiums earned, after deducting losses and expenses, and of the profits of the company derived from investments, which share of profits, derived from investments, shall be paid to such member, and for his proportionate share of the premiums earned, he shall be entitled to a certificate on the books of the company, of the amount remaining to his credit in the said company; such certificate to contain a proviso, that the amount named therein is liable for any future loss by said company. No certificates, however, shall be issued for any sum less than ten dollars, nor for the fractional part of sums between even tens of dollars, but all such fractional parts of sums, and sums less than ten dollars, shall be placed to the contingent account of the company, and applied to the expenses and other charges of the years to which they appertain.

General balance statement to be made.

§ 12. On some day in the first month after the expiration of the first year from the time when the said company shall issue their first policy, and within the first month of every subsequent year, the officers of the company shall cause to be made and printed a general balance statement of the affairs of the company, which shall contain,

1. The amount of premiums received during the preceding year, specifying what amount was received on life risks, what on fire risks, what on marine risks, and what on inland transportation and navigation risks;

2. The amount of the expenses of the company during the year;

3. The amount of losses during the year, specifying the amount of losses incurred by life risks, by fire risks, by marine risks, and by risks on inland transportation and navigation;

4. The balance remaining with the company; and

5. The nature of the security on which the same invested,

pecifying what amount is invested on real estate in the city of New-York, what on real estate in other parts of the state, what on stocks, what on bottomry and respondentia bonds, and what amount of cash is on hand. A printed copy of which statement shall be delivered to each member on request, and a copy shall be printed daily for two weeks after the first month of each year as aforesaid in the state paper, and in two daily papers in the city of New-York.

§ 13. Whenever the accumulation of the nett profits of the company shall exceed five hundred thousand dollars, the excess may be applied from year to year, or semi-annually thereafter, towards the redemption of each year's certificates, in whole or in part, as may be determined on by the board of trustees; but the certificates of a subsequent year are not to be redeemed until those of the preceding are provided for; and when such accumulation shall exceed ten hundred thousand dollars, it shall be the duty of the trustees to apply such latter excess towards the redemption of certificates, in whole or in part, in the manner above specified. Excess, how to be applied.

§ 14. Suits at law or in equity may be prosecuted and maintained by any member against said corporation, and no member of the corporation not being in his individual capacity, a party to such suit shall be incompetent as a witness. Suits.

§ 15. The sections of the Revised Statutes from nineteen to twenty-five, both inclusive, of the first Article of the second Title of the eighteenth Chapter of the first part shall not be applicable to the corporation hereby created. Sections of R. S. not applicable.

§ 16. The operations and business of the corporation shall be carried on at such place in the city of New-York, as the trustees shall direct, and not elsewhere. Location.

§ 17. This act shall take effect immediately, and continue in force for the period of thirty years. Duration of act.

18. The legislature may at any time alter or repeal this act.

CHAP. 288.

AN ACT to authorize the appointment of a Supreme Court Commissioner to reside at Bainbridge, in the county of Chenango.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. There shall be appointed in the manner now prescribed by law, a supreme court commissioner, who shall reside in Bainbridge, in the county of Chenango, and who shall possess all the powers of a supreme court commissioner, as defined and Appointment to be made.

limited in the second Title of the third Chapter of the third Part of the Revised Statutes.

§ 2. This act shall take effect immediately.

CHAP. 289.

AN ACT for the relief of Harvey Norton and Caleb C. Church.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Damages to
be appraised

§ 1. The canal appraisers are hereby authorized to ascertain, appraise and certify, (subject to appeal to the canal board, in the manner prescribed by Article third of Title nine of Chapter nine of Part first of the Revised Statutes, entitled "Of the appraisement of damages,") the damages, if any, sustained by Harvey Norton, to his dwelling house lot number two, in the village of Lockport, on the corner of Mill and Van Buren streets, by reason of an embankment made in front and along the end of said lot, connected with the canal enlargement; and they are also authorized, in like manner, to ascertain and appraise the damages sustained by Caleb C. Church, if any, to his dwelling house lot number four, on Mill-street, in the village of Lockport, by reason of an embankment made in front of said lot, connected with the Erie canal enlargement.

Payment to
be made.

§ 2. Such damages, if any, shall be paid in the same manner as damages for the appropriation of lands, waters or streams to the use of the people of this state.

CHAP. 290.

AN ACT to provide for the payment of certain expenses of government.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Payments.

§ 1. The Treasurer shall pay, on the warrant of the Comptroller, out of any money in the treasury, not otherwise appropriated, the following sums of money :

Prison
discipline
society's
report.

To the Governor, for the Boston Prison Discipline Society for their report for the use of the legislature, one hundred dollars; but the report of said society shall not be hereafter received by the Governor for the use of the legislature.

To the Governor, for the New-York Gazetteer for the executive chamber, two dollars and fifty cents.

*Gazetteer
for Governor*

To the Governor, for paying Warner and Boynton for binding the Senate and Assembly documents and journals of 1841 for the executive chamber, nine dollars.

*Binding
books for
executive
chamber.*

To the Governor, for paying Mrs. Park for work done in the executive chamber, nineteen dollars.

*Mrs. Park
for work.*

To Seth C. Hawley, for trying two prisoners separately indicted for murder in Cattaraugus county oyer and terminer, in May 1841, two hundred dollars, being the sum certified by the Governor.

*Seth C.
Hawley.*

To Harrison G. O. Rogers, for travelling fee to Buffalo and returning in August, 1841, as executive messenger to attend the extra session of the senate, ninety-six dollars and sixty cents.

*H. G. O.
Rogers.*

§ 2. The Treasurer shall pay, on the warrant of the Comptroller, out of any money in the treasury, not otherwise appropriated, the following sums :

Payments.

To Levi S. Chatfield, for his per diem and expenses as a member of the committee appointed by the last house of assembly to visit and examine the state salt springs, eighty-three dollars.

*L. S. Chat-
field.*

To Andrew G. Chatfield, for his per diem travel and expenses as a member of the committee appointed by the last house of assembly, to investigate the affairs of the New-York and Erie Railroad Company, nine hundred and twenty-one dollars and eighty cents ; and for room rent and other necessary expenses of the committee, paid by him, fifty-three dollars.

*A. G. Chat-
field.*

To George G. Graham, for his per diem travel and expenses as a member of the said last mentioned committee, six hundred and sixty-two dollars and forty cents.

*G. G. Gra-
ham*

To William B. Maclay, for his per diem travel and expenses as a member of the said last mentioned committee, six hundred and eighty dollars and twenty-nine cents ; and for stationery for the use of said committee, paid for by him, thirty-nine dollars and sixty-nine cents.

*W. B.
Maclay.*

To James Seymour, for his services as an engineer employed by the said last mentioned committee, four hundred eighty-six dollars ; and for his expenses three hundred and forty-nine dollars.

J. Seymour

To Archibald Maclay, for his services as secretary to the said last mentioned committee, four hundred and sixty-five dollars ; and for his travel and expenses one hundred and eleven dollars and twenty cents.

A. Maclay.

To Cornelius G. Palmer, Squire S. Case, Daniel C. Pentz, Robinson Smiley and George Weir, each for his travel and expenses, as one of the committee of the present house of assembly on state prisons, in visiting the state prisons at Sing Sing and Auburn, fifty-eight dollars and eighty cents.

*C. G. Pal-
mer, S. S.
Case, D. C.
Pentz, R.
Smiley and
G. Weir.*

J. Haight.

To Jacob Haight, the sum of sixty dollars for services and expenses in settling his accounts as Treasurer.

Witnesses
N. Y. and
Erie rail-
road.

The Comptroller is authorized to audit and allow to the several witnesses who attended before the committee appointed by the last house of assembly to examine into the affairs of the New-York and Erie Railroad Company, and to the several persons who procured their attendance, the several sums specified in the schedule of such fees and services made by Andrew G. Chatfield, chairman of said committee, and now on the files of the assembly, and by the warrant of the Comptroller, to cause the same to be paid, in the whole not to exceed four hundred seventy-seven dollars and sixty-four cents, out of any money in the treasury, not otherwise appropriated, and to Daniel L. Bishop, Levi S. Hubbell and Horace Hill, for travel and expenses in attending before the railroad committee each the sum of forty dollars to be paid in like manner.

Clerks of Se-
nate and As-
sembly.

§ 3. There shall be paid out of any money not otherwise appropriated, on the warrant of the Comptroller to the clerk of the senate and clerk of the assembly, each the sum of four hundred dollars for extra engrossing at the present session of the legislature.

Deputy
clerks.

To each of the deputies of the clerk of the senate, not exceeding two in number, and to each of the deputies of the clerk of the assembly, not exceeding three in number, one hundred and seventy-five dollars for this session.

A. N. Beards-
ley.

To Abner N. Beardsley, sergeant-at-arms of the house of assembly, for travel and expenses, fifty-six dollars and forty cents.

J. W. Turn-
er.

To John W. Turner, doorkeeper of the assembly for travel and expenses, fifty-five dollars and fifty cents.

P. M. Brom-
ley.

To Pliny M. Bromley, assistant-doorkeeper of the assembly, for his travel and expenses, forty-four dollars and ten cents.

G. Van Du-
sen.

To George Van Dusen, assistant-doorkeeper of the assembly, for his travel and expenses, thirty dollars.

S. Park.

To Samuel Park, superintendent of the capitol, in addition to the one dollar a day allowed by law, the sum of ninety dollars, and the further sum of eighty-three dollars, for his services during the term of the court for the correction of errors, from the second October to the first of January next.

D. St. John.

To David St. John, superintendent of the capitol, one dollar a day for his services in taking care of the public grounds around the capitol, and keeping the streets cleaned or swept, and for cleaning and sweeping the capitol, and making fires and lighting lamps in the capitol during the present session, the sum of sixty-four dollars and fifty cents.

Elizabeth
Boardman.

To Elizabeth Boardman, for services in the care of the assembly chamber, and hall of the capitol, the sum of one hundred and fifty-six dollars.

Elizabeth
Blakeman.

To Elizabeth Blakeman, for services in the care of the as-

sembly chamber, and hall of the capitol, the sum of one hundred and forty-eight dollars and fifty cents.

To Philip M. Dezeng, late doorkeeper of the Senate, for P. M. De-
mileage in travelling home at the close of his service, the sum ^{zeng.}
of forty-eight dollars.

To Gabriel Furman, for his services, per diem expenses as G. Furman.
a member of the select committee appointed by the senate dur-
ing the last session, to investigate certain alleged abuses in the
assessment laws of the city of New-York, two hundred and
eighty-three dollars.

To John B. Scott, for his per diem and expenses as a mem- J. B. Scott.
ber of the said committee last mentioned, one hundred and
ninety-five dollars.

To Gulian C. Verplanck, for his per diem and expenses as G. C. Ver-
a member of the said committee last mentioned, one hundred ^{planck.}
and ninety-five dollars.

To Alfred Stone, for his services in attending upon the said A. Stone.
committee last mentioned while sitting in the supreme court
room, ten dollars.

To Pliny M. Bromley, second assistant doorkeeper of the P. M. Brom-
assembly, and to Martin Miller, assistant doorkeeper, the same ^{ley.}
compensation for each day's actual attendance as members of
the legislature, to be certified in the same manner.

To Catharine Wentworth, for services in the care of the Catharine
senate chamber and halls of the capitol, the sum of one hund- ^{Wentworth.}
red and forty-eight dollars and fifty cents.

To Charles Niven, Joel Gillet, Isaac R. Elwood and Ben- Officers of
jamin F. Graves, officers of the senate, the same mileage as is ^{the senate.}
allowed by law to the members of the legislature.

To Francis C. Treadwell, for his services of attendance as F. C. Tread-
a witness before the bank committee of the senate in 1839, by ^{well.}
order of said committee, the sum of thirty dollars and fifty
cents.

To Bethuel Peck and William Bartlit, each for his travel B. Peck and
and expenses as members of the committee of the Senate on W. Bartlit.
state prisons, in visiting the state prisons at Sing Sing and Au-
burn, fifty-eight dollars and eighty cents.

To Jacob Haight, the sum of forty-three dollars and seventy- J. Haight.
five cents, for his expenses in attending meetings of the canal
board at Rochester and Utica in June, 1839.

§ 4. The Secretary of State is authorized to procure not ex- New-York
ceeding two hundred copies of a Gazetteer of the State of New- ^{Gazetteer.}
York, published by J. Disturnell, in 1842, at a charge not ex-
ceeding two dollars a copy, to be distributed according to a joint
resolution of the senate and assembly, concurred in March 31,
1842, to be paid for out of any money in the treasury not
otherwise appropriated, on the warrant of the Comptroller.

§ 5. There shall be allowed to Archibald Campbell, deputy A. Campbell
secretary, and Samuel S. Randall, deputy superintendent of <sup>and S. S.
Randall.</sup>
common schools, such sum as shall be equal to the salary of

secretary of state and superintendent of common schools, during the time they respectively discharged the duties of those offices, after the resignation of John C. Spencer Esquire, and previous to the assumption of said duties by the present Secretary of State, to be equally divided between them.

W. W.
Tredway.

§ 6. There shall also be allowed to William W. Tredway, late deputy comptroller, the sum of two hundred and fifty dollars for extra services rendered by him during the absence of the late Comptroller from his office.

R. M. Meigs

§ 7. The Treasurer shall pay, on the warrant of the Comptroller, to Richard M. Meigs, late sergeant-at arms, one hundred and eighty dollars, for his services in classing and making a catalogue of books of the senate document library, and for making an inventory of the property of the senate, agreeably to a resolution of the senate of May 26, 1841.

Expense on
transmission
of trans-
cripts.

§ 8. Section seventeen of Title four, article two of Chapter six, third Part, volume two of the Revised Statutes, is hereby so amended as that the expense instead of the postage on the transmission of any transcript shall be paid by the Treasurer, upon being audited and allowed by the Comptroller.

Chaplains

§ 9. The Treasurer shall pay, on the warrant of the Comptroller, to the several clergymen who have officiated as chaplains in opening the sittings of the two houses with prayer, the same compensation for their daily attendance as is allowed by law to the members of the legislature, such attendance to be duly ascertained and certified by the clerks of the two houses.

Officers of
senate at-
tending
court of
errors.

§ 10. The Treasurer shall pay, on the warrant of the Comptroller, to William Richards, as porter, for his attendance at the sessions of the court for the correction of errors, the same pay and mileage as is allowed to the members of the senate. To Charles Niven and Joel Gillet, officers of the senate, the like pay and mileage for their attendance at the sessions of the court for the correction of errors, and to Robert F. Salvedge and John Hancock, one dollar and fifty cents each per day, as a compensation for their attendance in the court for the correction of errors, and their mileage at the same rate.

J. W. Tay-
lor.

§ 11. There shall be allowed and paid to John W. Taylor the usual compensation as a member of the senate during the present session, he having been detained by sickness.]

D. Johnson.

§ 12. To Daniel Johnson his per diem allowance as a member of the senate during the time he was detained at home by sickness during the session of the legislature of 1841.

§ 13. This act shall take effect immediately.

CHAP. 291.

AN ACT *in relation to the storage of powder in the city of Utica and its vicinity.*

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall not be lawful for any person to deposite nor keep at any place in the city of Utica, nor at any place within one mile of the corporate limits of said city, any quantity of powder exceeding twenty-five pounds in weight, except in such place as shall be designated by the common council of said city. Restriction as to gun-powder.

§ 2. Any person who shall be guilty of violating the provisions of this law shall, upon conviction, pay a penalty of twenty dollars, for every day the same shall be so kept or deposited ; and the common council of the city of Utica are hereby authorized to commence and maintain an action of debt for the recovery of such penalty, before any justice of the peace in said city ; in which action it shall be sufficient for the parties to declare and plead generally, and under such pleadings to give the special matter in evidence. Penalty.

§ 3. All penalties recovered by virtue of this act, shall be paid by said common council of the city of Utica, to the fire department of said city. To whom to be paid.

§ 4. This act shall take effect immediately.

CHAP. 292.

AN ACT *for the inspection of flour to be sold in the city of Utica.*

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. No wheat flour shall be sold by the barrel or half barrel in the city of Utica, unless the same shall have been inspected, approved and branded or marked, by the city inspector of flour in and for the city of Utica, according to the following provision of this act. Wheat flour sold in Utica to be inspected.

§ 2. All wheat flour for sale in the city of Utica, by the barrel, shall be packed in good and strong casks, which shall be of two sizes only ; one size shall contain one hundred and ninety-six pounds ; the other size shall contain ninety-eight pounds, and shall be of the usual dimensions and proportions in length and diameter. Size of casks

How to be
marked and
branded.

§ 3. The tare of every cask shall be marked on one head with a marking iron ; and every cask shall be branded or marked with the weight of the flour contained therein, and with the initials of the christian name and surname of the manufacturer thereof; and every cask of wheat flour for sale in the city of Utica shall be branded or marked as follows : if of a very superior quality, "extra superfine ;" if of a superior quality, "superior ;" if of a third quality, "fine ;" if of a fourth quality, "fine middlings ;" and if of a fifth quality, "middlings."

Duty of city
inspector.

§ 4. When the wheat flour has been packed, and the casks branded or marked according to the preceding provisions of this act, application may be made to the city inspector of flour in and for the city of Utica, and it shall be his duty,

To examine and determine the quality of the flour ;

To ascertain the weight of all casks which he may suspect of being falsely tared ;

To alter and correct the brands when he shall be of the opinion they do not designate the real quality of the flour ;

To weigh such casks as he shall suspect not to contain the full weight of flour, and to brand them with the word "light," and the deficit of weight ;

To brand all casks containing damaged flour with the word "bad."

And on all casks made, branded and packed, according to the provisions of this act, to brand in a legible manner on the quarter, the initials of his christian name and his surname, together with the words "city of Utica."

To return to
owner flour
taken out by
auger.

§ 5. The said city inspector, if required, shall deliver to the owner or his agent all flour taken from the cask with auger or other instrument that he shall use for the purpose of inspection, under the penalty of ten dollars, to be recovered by the owner, in addition to his damages and costs of suit.

Uninspected
flour sold,
&c. to be
seized by in-
spector and
sold.

§ 6. It shall be the duty of the said city inspector to seize and take into his possession all flour in barrels or casks which he shall discover to have been sold or attempted to be sold, contrary to the provisions of this act. He shall sell the same at public auction, giving at least five days' public notice in some newspaper printed in the city of Utica, of the time and place of such sale ; and shall pay the proceeds thereof, deducting ten per cent for his trouble and expenses, to the treasurer of the city of Utica, who under the direction of the common council of the city of Utica, shall apply the same to the support of the poor of the city of Utica, or to pay the city physician for his services and medicines in attending and doctoring the poor of the city of Utica.

Penalty.

§ 7. Every person knowingly offering for sale any cask of flour in the city of Utica, upon which the tare shall be undermarked, or in which there shall be a less quantity of flour than is branded or marked thereon, shall forfeit the same and five dollars for every cask so undermarked or deficient, one-half to

the person who shall be injured and shall prosecute for the same, with such other damages as he shall sustain, and the other half to the use of the poor of the city of Utica in the manner above mentioned.

§ 8. Every manufacturer of flour who shall undermark the Penalty. tare of any cask, or shall put therein a less quantity of flour than is branded or marked thereon, for sale in the city of Utica, shall forfeit the same and five dollars for every cask so undermarked or deficient, one-half to the person who shall be injured and shall prosecute for the same, with such other damages as he shall sustain, and the other half to the use of the poor of the city of Utica, in the manner above mentioned.

§ 9. Every purchaser of flour by the barrel or cask, for sale n. in the city of Utica, who shall neglect to have the same duly inspected and branded according to the provisions of this act, shall forfeit the same and five dollars for every cask so purchased and not inspected, to be prosecuted for, collected and applied in the manner above mentioned.

§ 10. Every person who shall alter or counterfeit any brand n. or mark whatever of the city inspector of flour in and for the city of Utica, made under the provision of this act, shall forfeit the sum of one hundred dollars for each and every cask, the brand or mark of which shall be so altered or counterfeited, to be prosecuted for, collected and applied in the manner above mentioned.

§ 11. No city inspector of flour in and for the city of Utica, City inspector not to buy or sell flour. shall purchase or sell any flour in barrels or casks in the city of Utica, except for his private use, or be directly or indirectly concerned in such purchase or sale, under the penalty of one hundred dollars for each offence.

§ 12. The city inspector of flour in and for the city of Utica Inspector how to be appointed, and his compensation. shall be appointed by the common council of the city of Utica, and shall hold his office during the pleasure of the said common council; the compensation for his services shall be two cents for inspecting, boring, branding or marking, and plugging every barrel or half barrel of flour, and for weighing and ascertaining the light weight or undertare of every barrel or half barrel undertared, twelve and a half cents, to be paid by the person offering such barrels or half barrels for inspection, or such compensation as the said common council shall fix; and he shall have power to appoint one assistant inspector to assist him in the execution of his duties, who shall hold his office during the pleasure of the said city inspector, and for whose acts, performed in the name of the said city inspector, the said city inspector shall be held responsible.

CHAP. 293.

AN ACT to amend the act entitled "An act to incorporate the Ithaca Savings Bank," passed April 28, 1841.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Managers
may lend
money.

§ 1. It shall be lawful for the Ithaca Savings Bank to lend upon personal security, at the discretion of the board of managers, an amount not exceeding at any time in the whole, the half of all moneys which may have been received on deposit, in pursuance of the act hereby amended, provided that not more than two hundred and fifty dollars shall at any time be lent to the same person or upon the same security in whole or in part, and that no loan shall be made on personal security for a longer time than six months.

Restriction.

§ 2. No money shall be so loaned either directly or indirectly, to any trustee, manager or other officer of said bank; nor shall any loan be made upon personal security, unless a majority of the board of managers shall, by resolution, consent thereto.

CHAP. 294.

AN ACT to provide for the inspection of fish in the city of Buffalo.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Pickled or
salted fish to
be inspected

§ 1. All pickled or salted fish put up in barrels or half barrels which shall be offered for sale in the city of Buffalo, and which has not been inspected and branded by an inspector according to law, shall be inspected previous to its being so offered, in the same manner as salted fish intended for exportation, and be subject to all the provisions and penalties of article four, Title two, Chapter seventeen, and part first of the Revised Statutes.

§ 2. This act shall take effect immediately.

CHAP. 295.

AN ACT to revise and amend an act entitled "An act to incorporate the Oneida Lake and River Steamboat Company," passed April 2, 1838.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The first, third and fifth sections of the act entitled *Repeal.*
"An act to incorporate the Oneida Lake and River Steamboat Company," passed April 2, 1838, are hereby repealed, and the following substituted as the first, third and fifth sections of said act, to wit :

§ 1. Henry Fitzhugh, Robert C. Kenyon, Henry W. Schræppel, Orsamus Johnson, Curtiss R. Cable, Edward B. Judson, Daniel Pettibone, Cyrus Marble and Noah Wadams, and their associates, are hereby declared to be a body corporate and politic by the name of "The Oneida Lake and River Steamboat Company," for the term of twenty years from the passage of this act. *Corporation created.*

§ 3. The affairs of said company shall be conducted by nine directors, who shall be stockholders in said company, and shall be annually chosen on the first Tuesday of January in each year, at such place in the village of Brewertown as shall be appointed by the directors. *Affairs how to be managed.*

§ 5. Until the first Tuesday in January in the year one thousand eight hundred and forty-three, Henry Fitzhugh, Robert C. Kenyon, Henry W. Schræppel, Orsamus Johnson, Curtiss R. Cable, Edward B. Judson, Daniel Pettibone, Cyrus Marble and Noah Wadams, shall be directors of said company and continue to be directors of said company until others shall be chosen according to the provisions of this act. *First directors.*

§ 2. This act shall take effect immediately.

CHAP. 296.

AN ACT to amend an act entitled "An act to incorporate the East River Fire Insurance Company of the city of New-York," passed April 24, 1833.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The capital stock of the East River Fire Insurance Company of the city of New-York, is hereby reduced to the sum of two hundred thousand dollars, and the par value of its *Capital stock reduced.*

shares to twenty dollars each ; but any surplus that may hereafter be realized out of the present assets of the company, beyond the said sum of two hundred thousand dollars, shall nevertheless remain and form a part of its assets.

Name
changed.

§ 2. Said corporation shall hereafter be known by the name and style of "The East River Mutual Insurance Company," and by that name may sue and be sued.

Privileges
of persons
insuring.

§ 3. Every person who, after this act takes effect, shall insure with said corporation, shall thereby be entitled to a share of the profits of the company, in proportion to the amount of premium paid by him, to be estimated and ascertained as hereinafter described.

Balance
when to be
struck.

§ 4. The officers of the said company at the expiration of one year from the time that the first policy shall have been issued, after this act shall take effect, and within one month thereafter, and within the first month of every subsequent year, shall cause a balance to be struck, of the affairs of the company for the preceding year, in which they shall charge the losses and expenses of that year, together with seven per cent interest upon the capital against the income of the company of the same year.

Surplus
profits how
disposed of.

§ 5. If upon such balance being struck, any surplus profits shall remain, the same shall be credited to the stockholders and to the insured, in proportion to the amount of stock held, and the amount of premiums paid by each respectively.

Certificates
of credit to
be given.

§ 6. Every stockholder, and every person insured, shall thereupon be entitled to a certificate of the amount so credited to him respectively, which shall be signed by the officers of the company, be subject to all the provisions of this act, and be transferable in the same manner as the shares of the capital stock, and every certificate shall state these conditions thereof.

Yearly
calculations
to be made.

§ 7. A like calculation shall be made for every succeeding year, and the stockholders and persons insured during that year, shall be credited in the like manner.

Provision in
case of
deficiency
to pay losses

§ 8. If upon the balance aforesaid being struck, a deficiency should exist in the income of the company to pay the losses, expenses and interest, as by the fourth section provided, the certificates which may have been issued, shall be liable for the amount thereof; and if such deficiency shall be equal to, or exceed the amount expressed by such certificates, they shall thereby be cancelled; if such deficiency shall be less, such certificates shall be reduced proportionably.

Estimates
when
ratified
conclusive.

§ 9. The estimates of the profits and affairs of the company upon which the certificates are issued, reduced or cancelled, shall be conclusive upon all persons entitled thereto, when ratified by the board of directors.

Fractional
parts.

§ 10. The certificate shall be issued for the fractionable parts of a dollar, but all such fractional sums shall be passed to the contingent account of the company, and applied to the expense thereof: nor any certificate for a less sum than five

dollars ; but every stockholder and every person injured shall be entitled to a credit on the books of the company for any sum less than five dollars, but not for the fractional parts of a dollar.

§ 11. The surplus profits designated by the certificates shall be loaned on the pledge of, or invested in the stocks created by or under the laws of the United States, or in the stocks of the city of New-York, or of any incorporated bank in the said city, according to their actual cash price in the city of New-York at the time, or upon bond and mortgage upon unincumbered, improved real estate of the value, exclusive of buildings, unless the same shall be insured, of at least one-half more than the amount loaned thereon ; and the interest on the said loans or investments, or profits derived therefrom shall be calculated as a part of the income of the company.

Surplus profits how to be invested.

§ 12. No person insuring with the company, or holding a certificate shall be, by virtue thereof, considered as a member of said corporation, or entitled to the amount expressed in his certificate, or any part thereof, except in the case specified in the next section.

Provisions to membership.

§ 13. Whenever the capital stock and the nett profits on hand, after paying interest on the capital, shall exceed the sum of two hundred and fifty thousand dollars, no certificate as hereinbefore provided, shall be issued, but the excess shall be divided annually, among the stockholders, the holders of certificates, and every person effecting insurance as aforesaid, pro rata, according to the amount of stock, the certificates so held, and the amount of premium paid during the year preceding such dividend ; but no fractional parts of a dollar shall be paid on such dividend, but shall be passed to the contingent account of the company, and applied to the expenses thereof.

Excess when and how divided.

§ 14. But no person insuring with the company, or holding a certificate, shall be entitled at any time to any rights as to dividends from profits thereby, until the capital of the company shall be full, and seven per cent interest thereon, from the time this act takes effect, shall have been paid, or reserved to the stockholders ; and in case of a deficiency in the capital and interest as aforesaid, or in any part thereof, the profits of the company shall always be first applied to meet the same.

Dividends.

§ 15. Within one month from the expiration of one year from the time that the first policy shall have been issued after this act takes effect and within the first month of every subsequent year, the company shall cause to be made and printed a general statement of the affairs of the company, which shall contain,

General statement to be made yearly.

1. The amount of premiums paid and income received during the preceding year ;
2. The amount of expenses of the company during the same year ;
3. The amount of losses paid during the same year :

4. The application of the balances, according to the provisions of this act ;

5. The manner in which the surplus profits are invested.

A printed copy of such statement shall be delivered, on request to each stockholder, and to every person insured or holding a certificate.

CHAP. 297.

AN ACT *to confirm the official acts of Spencer Whiting, as justice of the peace.*

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Official acts confirmed.

§ 1. All the proceedings which have been had by and before Spencer Whiting, as a justice of the peace of the city of Hudson, in the county of Columbia, and all official acts done by him since the 13th March, 1840, shall be deemed valid and effectual, to the same extent as if his appointment had been legally made.

Saving clause.

§ 2. This act shall not effect the right of any party, to any suit or legal proceeding which may have been had or commenced in consequence of the invalidity of any proceedings before the said justice previous to its passage.

§ 3. This act shall take effect immediately.

CHAP. 298.

AN ACT *incorporating the fire department in the village of Oswego.*

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation created.

§ 1. That all persons who now are or hereafter shall become members of the fire engine, hook and ladder and hose companies, not exceeding twenty-four in each company, of the village of Oswego, in conformity with the ordinances of the corporate authorities thereof, shall be, and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name and style of "The fire department of the village of Oswego;" and that by that name they and their successors shall and may have perpetual succession, and shall be persons in law, capable of suing and being sued, in all courts and in all actions within the jurisdiction of the state of New-

York ; and that they and their successors may have a common seal, and may change and alter the same at their pleasure ; and also that they and their successors by the name of "The fire department of the village of Oswego," shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation ; provided the amount of real and personal estate so held shall not at any time exceed the sum of ten thousand dollars.

§ 2. The firemen of the several fire companies constituting this corporation shall hold a general meeting on the first Saturday following the first Friday of January in every year, at which annual meeting they shall choose two fire wardens from each company of firemen, who, with the chief engineer as president, and his associates, according to their rank as vice-presidents, shall constitute a council, and shall exercise such powers as are hereinafter committed to them, and which appointment shall not exempt them from their other duties as firemen. Annual general meeting.

§ 3. The said council shall, on the first Monday following the first Saturday of January in each year, choose out of their own body a secretary, treasurer and collector ; and the first fire wardens shall be Eli W. Warner, Luther Wetherby, Timothy Pitkin, Samuel Hascy, Daniel McCarty, James McNair, John Fayette, Joseph C. Wellington, Joseph Wilber and Alpheus Steward, to hold their respective offices until others are appointed in their stead, agreeably to the provisions of this act ; and in case of any vacancy in the office of fire wardens, such vacancy shall be filled by the company in which it occurs, at a special election held for that purpose : and in case of a vacancy in the office of secretary, treasurer or collector, such vacancy to be filled by the council at their next meeting. Officers to be chosen.

§ 4. Two-thirds of the said council shall constitute a quorum, and shall have power to make and prescribe such laws, ordinances and regulations, not inconsistent with the laws of this state, as shall be by them deemed necessary for the proper management of the affairs, and the disposition of the funds of the said corporation, and shall have full power to appoint all meetings, both special and ordinary, (except the one hereinafter provided for,) and shall also designate at least two days in each and every year as days of public exercise, review and inspection, and all such other matters as appertain to the business and purposes for which the said corporation is by this act instituted, and for no other purposes whatever. Quorum.

§ 5. And in case any election shall not be held on the day, when pursuant to this act it ought to have been held, the said corporation shall not on that account be deemed dissolved, but that it may be lawful to hold such election on any future day, agreeably to the ordinances and regulations of the said corporation. Election.

§ 6. Every person who on the first day of June next shall have been a fireman in the village of Oswego, for ten or more Privileges of firemen.

years, and shall continue to serve as such for one year thereafter ; and every person who shall have been a fireman in the said village for six years or a shorter period, previous to the first day of June aforesaid, and shall continue to serve as such so long thereafter as to make the whole term of service ten years ; and every person who shall become such fireman after the said first day of June next, and shall serve as such for ten years thereafter, shall, during and forever after such service, be exempted from serving as jurors in any of the courts of this state, and from all military duty except in cases of war, insurrection and invasion.

In case of removal.

§ 7. The members of this fire department in case of removal from Oswego, and becoming members of a fire department of any village or city within this state, shall be allowed the time they have served as firemen in the village of Oswego, in the village or city to which they have removed, upon producing a certificate of such service, signed by the chief engineer, and bearing the seal of this corporation ; and when such fireman shall have served for so long a time thereafter as shall make his whole term of service the same as required of the firemen in the village or city removed to, he shall be entitled to all the privileges and exemptions herein secured to the members of this department.

Proof of service.

§ 8. A certificate signed by the chief engineer and the foreman of the company to which any member of this department belonged, and bearing the seal of this corporation, declaring the term of service of said member, as required by the provisions of this act, to have been fully completed, shall be sufficient evidence to entitle him to all the privileges and exemptions herein secured to the members of this department.

Right to repeal.

§ 9. This act shall take effect from the time of its passage, and the legislature may at any time alter, modify or repeal the same.

CHAP. 299.

AN ACT for the relief of Joseph Cox and Isaac Cox.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Damages to be appraised.

§ 1. The canal appraisers are hereby authorized and required to ascertain and appraise any damages sustained by Joseph Cox and Isaac Cox, caused to their mill and water power, by the construction of the Genesee Valley canal, and not included in the former appraisal, according to the provisions of the Revised Statutes, Part first, Chapter nine, Title nine, Article

three, of the appraisement of damages, subject to appeal to the canal board according to the provisions of said Article.

§ 2. The canal commissioners are hereby authorized and ^{Payment.} required to pay the amount of such appraisal, to the said Joseph Cox and Isaac Cox, or their representatives, when thus ascertained, out of any moneys appropriated for the Genesee Valley canal.

CHAP. 300.

AN ACT *granting to John I. Coons the right to establish a ferry across the Hudson river.*

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall be lawful for John I. Coons, his heirs or assigns, ^{Ferry.} to establish and maintain a ferry across the Hudson river for the space of fifteen years, from Saugerties Landing in the county of Ulster, to the landing place of Robert L. Livingston, Esq. and Red-Hook Landing, in the town of Red-Hook, in the county of Dutchess.

§ 2. If the said ferry be so established, ^{Boats.} safe and convenient row boats shall be kept for the conveyance of foot passengers, and row, sail, horse or steam boats for the conveyance of passengers, carriages and cattle across the said river, by the said John I. Coons, his heirs or assigns.

§ 3. The court of common pleas in the county of Ulster, at ^{Rates of ferriage.} their first session after the passage of this act, and annually thereafter, shall establish the rate of ferriage to be taken at said ferry.

§ 4. If any higher rate of ferriage than the said court shall ^{Penalty.} establish shall be taken by the said Coons, or any person employed by him, the person or persons so offending shall forfeit and pay to the party injured the sum of five dollars, to be recovered in an action of debt, in any court having cognizance thereof.

§ 5. If any person shall set up and keep a ferry contrary to the provisions of this act, in favor of the said John I. Coons, within one mile thereof, such person shall forfeit to the said Coons, his heirs or assigns, for every such offence, the sum of five dollars, to be recovered as aforesaid ; but nothing contained in this act shall prevent any person from crossing said river in their own boats, and transporting their own property within the bounds thereof.

§ 6. The court of common pleas of the county of Ulster, shall, on sufficient evidence of the non-compliance with the provisions

of this act, on the part of the said John I. Coona, his heirs or assigns, adjudge this act to be null and of none effect.

CHAP. 301.

AN ACT to confirm the official acts of Orrin Wright and Charles T. Curtiss.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Official acts confirmed.

§ 1. All the acts and proceedings which have been had by and before Orrin Wright and Charles T. Curtiss, as justices of the peace of the town of Stockbridge, in the county of Madison, and all official acts done by them, respectively, that is to say, by the said Orrin Wright since the annual town meeting in Stockbridge in the year 1839, and by the said Charles T. Curtiss since the annual town meeting, in the same town, in the year 1840, are hereby confirmed, and declared as valid as if the said persons had duly balloted for their respective terms of office,

Saving clause.

§ 2. All liabilities and forfeitures incurred by the said Orrin Wright and Charles T. Curtiss, or either of them, for having executed the duties of their offices without having balloted for their respective terms of office, are hereby remitted.

CHAP. 302.

AN ACT in relation to the Onondaga Salt Springs.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Salt barrels to be inspected.

§ 1. It shall be the duty of the inspector of salt in the county of Onondaga, and his deputies, to inspect all salt barrels before the same are used for packing salt therein, under such rules and regulations as shall from time to time be adopted, and published by the superintendent and inspector, and all salt shall be rejected when offered for inspection in barrels not inspected, or in inspected barrels not properly secured after the salt is packed therein, so as to preserve the salt from waste or injury.

Penalty for counterfeiting brand.

§ 2. The inspector shall provide some suitable brand, with which all inspected barrels shall be branded or marked, and any person who shall falsely or fraudulently make or counterfeit, or cause to be made or counterfeited, or knowingly aid and assist the false or fraudulent making or counterfeiting the

said mark or brand on any barrel, shall be liable to the same forfeitures, liabilities and penalties as are already by law provided for the false or fraudulent making or counterfeiting the mark or brand of the inspector of salt; and all laws heretofore passed in relation to the inspection of salt barrels in the town of Salina are hereby repealed.

§ 3. The drawbridge in the track of the Auburn and Syracuse railroad across the lateral canal, authorized to be constructed by the tenth section of an act entitled "An act in relation to the Onondaga and Montezuma Salt Springs," passed May 10, 1841, is hereby placed at the exclusive control of the said railroad company during the night time, from the hours of nine in the evening to five in the morning; and any person who shall open or remove the said drawbridge during the time intervening between the said hours, without the permission of some authorized agent of the said company, shall forfeit the sum of one hundred dollars, and also be liable to imprisonment in the county jail for the term of sixty days.

Drawbridge
across lateral
canal.

§ 4. The commissioners of the land office are hereby authorized to purchase of Samuel R. Matthews, a lot of land in his possession, situated near the village of Salina, containing about fifty acres, or any part thereof, as they shall deem necessary for the use of the salt springs belonging to this state, it being the same land as described in the last annual report of the superintendent of salt springs and inspector of salt, as now occupied by the new springs at Salina village.

Land may be
purchased
from S. R.
Matthews.

§ 5. If the reasonable value of said land cannot be agreed upon between the commissioners of the land office and the owner thereof, such value may be ascertained by the appraisal of three appraisers, one of whom shall be selected by each party, and the third by those selected.

Appraise-
ment.

§ 6. When the value of said land shall be thus ascertained, and a full and absolute conveyance of the same to the people of this state shall be duly executed by the owner thereof, and approved of by the Attorney General, so as to vest the title of the said land in the said people, free from all incumbrance, the commissioners of the land office shall then direct the superintendent of the Onondaga salt springs to pay to such owner the sum of money so ascertained.

Payment,
when to be
made.

§ 7. The sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth and sixty-ninth sections of the fourth Article of the tenth Title of the ninth Chapter of the first Part of the Revised Statutes is hereby repealed.

Repeal.

§ 8. The superintendent of the Onondaga salt springs is hereby authorized and allowed to charge in his accounts with the Comptroller, the costs and expenses to which he has been subjected in defending a prosecution commenced against him by Ebenezer Rice for an alleged infringement of a patent right, claimed by the said Rice as securing to himself the exclusive

Superinten-
dent to be
allowed
costs.

right to use wooden tubing in sinking the shafts of salt wells, and the Comptroller is hereby authorized to allow such accounts, if accompanied by duly authenticated vouchers.

CHAP. 303.

AN ACT *providing for the repairing of the several arsenals in this State.*

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Repairs of
arsenals in
the city of
New-York.

§ 1. The Commissary-General is hereby authorized to expend, under the direction of the commissioners of the land office, for repairing the arsenals in the city of New-York, any sum not exceeding ten thousand dollars, of the moneys which shall be paid into the treasury of this state, for or on account of the sale to the United States of certain lands for military purposes, on Staten Island, belonging to the state of New-York, in pursuance of an act passed February 6th, 1836.

Of other
arsenals in
the state.

§ 2. The Commissary-General is hereby authorized to expend a further sum not exceeding three thousand dollars for the purpose of repairs on the several other arsenals in this state, to be paid out of the funds as provided in the first section of this bill.

CHAP. 304.

AN ACT *to amend the charter of the Savings Bank of Utica.*

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Loans on
personal
security.

§ 1. The managers of the Savings Bank of Utica are hereby authorized, from time to time, to make loans upon personal security, of such moneys in said bank as may be uninvested; but such loans shall not at any time exceed in the aggregate, the sum of five thousand dollars.

Restriction.

§ 2. No money shall be so loaned, either directly or indirectly, to any trustee, manager or other officer of said bank; nor shall any loan be made upon personal security, unless a majority of the board of managers shall by resolution consent thereto.

Right to
repeal.

§ 3. The legislature may at any time alter, modify or repeal this act.

CHAP. 305.

AN ACT *relative to the Trust Fire Insurance Company in the city of New-York.*

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The par value of each share of the present capital stock of "The Trust Fire Insurance Company in the city of New-York," is hereby reduced from one hundred to seventy-five dollars. Capital stock reduced.

§ 2. It shall and may be lawful for said corporation to insure and make all kinds of insurance against loss or damage on goods, merchandise and property, in the course of inland navigation and transportation, whether happening on the land or on the water. Insurance.

§ 3. The number of directors of the said corporation is hereby reduced to fifteen. Directors.

§ 4. This act shall take effect immediately on its passage.

CHAP. 306.

AN ACT *in relation to the publication of the statutes of this State.*

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall not be necessary for the Secretary of State to furnish, nor for the State Printer to publish, a copy of the certificate, which the Secretary is required to endorse upon every bill, of the day, month and year, when the same became a law. Endorsement not to be published

§ 2. In the publication of every law, the Secretary of State shall mention when the same became a law, by inserting immediately under the title of the act the word "passed," and adding the month, day and year ; and if the bill was certified by the presiding officers as having been passed by the assent of two-thirds of the members elected to each house, the Secretary after stating when the bill became a law, shall add the words, "by a two-third vote." Acts passed by two-third votes how distinguished.

§ 3. The addition of the words, "by a two-third vote," shall be presumptive evidence that the bill was certified by the presiding officers as having been passed by the assent of two-thirds of the members elected to each house ; and the absence of such words shall be presumptive evidence that the bill was not so certified by the presiding officers. Evidence thereof.

§ 4. This act shall take effect immediately.

CHAP. 307.

AN ACT for the relief of James Knight.

Passed April 12, 1842.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*Damages to
be appraised

§ 1. The canal appraisers are hereby authorised and required to ascertain the amount of damages, if any, sustained by James Knight since January 1835, to his property situate at Rexford Flats in the town of Clifton Park, a short distance from the upper aqueduct and directly opposite the upper lock, in consequence of a removal of his buildings by the state, some forty feet further from the present canal, with a view of locating the enlarged Erie canal subject to the provisions of the statute in relation to the appraisal of damages in other cases.

Payment.

§ 2. The commissioners of the canal fund are required to pay the said James Knight, or to his legal representatives, the amount of such award (if any) found in accordance with the provisions of the preceding section, out of any moneys appropriated for the Erie canal enlargement.

CHAP. 308.

AN ACT for the relief of Asaph Seymour and others.

Passed April 12, 1842.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*Commission-
ers of the
canal fund
to receive
certain cer-
tificates of
stock.

§ 1. The commissioners of the canal fund are hereby authorized and required to receive any certificates of stock issued on behalf of the people of this state, for the purpose of constructing or repairing any public work other than railroads, and which shall bear an interest of six per cent per annum, from Asaph Seymour, William Coffin, Richard Sayre and William Harrison, comprising the firm of Seymour, Coffin & Co. to the amount of six thousand dollars.

Amount
thereof to
remain debt
against the
state.

§ 2. On the delivery of any such certificates to the amount of six thousand dollars, to said commissioners, the debts due from the state to the said firm of Seymour, Coffin & Co. for lockgates made by them for the Chemung canal, under their contracts with the state, shall be and remain debts against the state to the amount of the certificates by them returned, the same as though no certificates of stock had ever been issued to them, or they had given no receipts for the payment on account of said contract. The said debt shall be payable out of any money to be raised pursuant to the provisions of subdivisions

four and five of section five of the act entitled "An act to provide for paying the debt and preserving the credit of the state," passed March 29, 1842.

CHAP. 309.

AN ACT to amend an act entitled "An act concerning the compensation of the clerks of the Supreme Court, and of the register, assistant register and clerks in Chancery," passed May 7, 1839.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. On the first Mondays of January and July in each year, or as soon thereafter as practicable, each register, assistant register and clerk referred to in the act entitled "An act concerning the compensation of the clerks of the supreme court, and of the register, assistant register, and clerks in chancery," passed May 7, 1839, shall make out a statement of the total amount then due, including the title and the items of all charges in each suit, in which charges shall be made from every practising attorney and solicitor to whom credit shall have been given, for fees due to the people of this state for services rendered by such register, assistant register or clerk, or his deputy, and shall subscribe and certify the same, verified by his affidavit, or that of his deputy, and shall transmit the same by mail to the county treasurer of the county in which such attorney or solicitor shall reside.

Semi-annual statement to be made to county treasurers.

§ 2. It shall be the duty of such county treasurer, within ten days after receiving such statement and affidavit, to deliver personally or transmit by mail, which transmission by mail shall be deemed a personal delivery, to such attorney or solicitor, a statement of the amount so due from him.

Duty of county treasurers.

§ 3. It shall not be required of such register, assistant register or clerk, hereafter to deliver such statement to any agent of such attorney or solicitor so indebted.

Agents not to be furnished.

§ 4. Such county treasurer shall, within sixty days from the time of receiving such statement and affidavit, proceed to the collection of every such account which shall in his opinion be collectable; and the said statement and affidavit shall in all courts be received as prima facie evidence of the correctness of such account, and that the amount therein stated is due and unpaid.

Treasurers to collect accounts.

§ 5. It shall be the duty of such treasurer, on the first Monday of January and July next, after receiving such statement and affidavit in each year, to transmit by mail to the register, assistant register or clerk, from whom such statement and affi-

To notify registers and clerks of amount received by him.

davit shall have been received, a statement of the amount of the moneys received by him on the account so certified, and from whom the same was received; and if by such statement, it shall appear that the account against any attorney or solicitor remains unpaid, no such attorney or solicitor shall have any further credit at such office, or have any paper filed or rule entered until such account be paid.

Taxing
accounts.

§ 6. Nothing in this act contained shall preclude any such attorney or solicitor from having any such account against him taxed, in the manner now prescribed in said act.

§ 7. This act shall take effect immediately.

CHAP. 310.

AN ACT to regulate purchases for the state and the taking of vouchers.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Purchases
and work for
the state to
be for cash.

§ 1. All purchases for the use of any department, office, or work of the government, shall be for cash and not on credit or time. Each voucher, whether for a purchase or for a service, or other charge, shall be filled up at the time it is taken, and in all cases where the payment is not made directly by a canal commissioner, the commissioners of the canal fund, the Treasurer, or Governor, proof in some apt form shall be furnished on oath, that it was so filled up at the time it was taken, and that the money mentioned therein to have been paid, was in fact paid in cash, or by draft on some specified bank. The commissioners of the canal fund, in all cases when moneys are paid from the canal revenues, loans or fund, and the Comptroller in all cases when payments are made from any other revenue or fund, shall from time to time prescribe rules, regulations and forms to secure the faithful observance of this section, and may in all cases if they shall deem it necessary, require proof on oath of the payment of the money as aforesaid.

For the Se-
nate and As-
sembly.

§ 2. The clerk of the senate, and the clerk of the assembly, shall each before or within ten days after every session of the legislature, file in the Comptroller's office an abstract, in such form and containing such particulars as the Comptroller shall direct, of all newspapers ordered by him for the members of their respective houses, and the vouchers for the payment thereof, shall, when presented for audit, be marked with a proper reference to the part of said abstract in which the same is charged; all other accounts and vouchers for the contingent expenses of either house of the legislature shall be presented for audit at least once a month, and shall as far as practicable in-

clude all payments up to the time of rendering the accounts. The Comptroller shall make rules and regulations to enforce the observance of the provisions of this section.

§ 3. Fuel and stationery for the senate and assembly, for the several state offices, and fuel to be used in the capitol, so far as a probable estimate thereof for a year or less period can be made, shall be purchased on sealed proposals to be received on public notice. The Comptroller shall employ the proper agents to execute this section of this act, fix, and by the Comptroller's warrant on the treasury, pay their compensation, and the expense and costs of making such purchases. He shall from time to time make rules and regulations to be observed in giving such notice, accepting such proposals, and in relation to the security to be taken for performing said proposals and for preserving said fuel and stationery, distributing them to the proper officers and departments for use, and accounting for the use thereof. He shall report such rules and regulations and the purchases and distributions had under this section to the legislature at the annual session. The cost of the fuel and stationery which shall be distributed to the canal department shall be refunded to the treasury by the commissioners of the canal fund.

Fuel and stationery for Senate and Assembly, capitol and state offices.

CHAP. 311.



AN ACT for the relief of Thomas Geary and others.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The canal commissioners are hereby authorized to hear and determine the amount due, or unpaid, if any, to Thomas Geary, James G. Ferguson, Patrick Norton or John Kelly, for labor done and expenses incurred, or otherwise, for the benefit of the Erie canal, under the direction of Robert McBride, superintendent of repairs.

Amount due to be determined.

§ 2. The commissioners of the canal fund shall pay the amount so allowed by the canal commissioners, whenever the said Geary, Ferguson, Norton or Kelly, shall transfer and deliver to the Comptroller, for the benefit of the state, or cause to be so transferred and delivered, their notes or demands against the said Robert McBride.

Payment.

§ 3. This act shall take effect immediately.

CHAP. 312.

AN ACT relating to road district number two in Persia, Cattaraugus county.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Part of road
annexed to
district in
Persia.

§ 1. All that part of the state road running through the village of Lodi, which is situated east of the Metcalf brook, in the town of Perrysburgh, is hereby annexed to road district number two, in Persia, and the overseer of highways for said district is authorized to lay out thereon, so much of the road tax assessed in said district, as he may deem proper.

§ 2. This act shall take effect immediately.

CHAP. 313.

AN ACT in relation to the duties of the supreme court commissioner residing in the village of Perry.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Powers of
commissioner
enlarged.

§ 1. The commissioner appointed, or to be appointed by virtue of the act entitled "An act authorizing the appointment of a supreme court commissioner to reside in the village of Perry," passed February 3, 1841, is empowered and required to perform all the duties, and execute any act and trust which the first judge of the degree of counsellor at law in the supreme court, of the county courts of the county of Wyoming may perform or execute out of court, relating to such courts, according to law and the rules and practice thereof.

CHAP. 314.

AN ACT to extend the inspection of green hides and skins.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Applicable
to city of
Utica and
town of Sa-
lina.

§ 1. The act entitled "An act regulating the inspection of green hides and skins in certain places," passed April 22, 1831, and the acts amending the same, are hereby made applicable to the city of Utica, in the county of Oneida, and the town of Salina, in the county of Onondaga.

§ 2. This act shall take effect immediately.

CHAP. 315.

AN ACT to set off a portion of the town of New-Paltz to the town of Esopus.

Passed April 12, 1842.

The People of the State of New-York represented in Senate and Assembly, do enact as follows:

§ 1. All that part of the north portion of the town of New-Paltz, lying and being north of a line commencing on the Hudson river at the southeast corner of the farm now owned and occupied by William Waring, and running thence north fifty-eight degrees and forty-five minutes west, to the Walkill river, then up along said river as it runs, to the present line of the town of Esopus, is hereby set off and annexed to, and shall hereafter form a part of the town of Esopus.

Part of
New Paltz
annexed to
Esopus.

§ 2. This act shall take effect immediately.

CHAP. 316.

AN ACT to give the consent of the Legislature of this State to the taking of certain lands by the United States for the purposes of military defence.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The consent of the legislature of this state is hereby given to the United States taking for the site of barracks and defensive works at or near Buffalo, so much of blocks numbers 167, 168 and 186 in the south village of Black Rock as shall be deemed necessary for the purpose, upon just and full compensation being provided for the owners thereof in the manner prescribed in the fourth Article and second Title of the ninth Chapter and third Part of the Revised Statutes; but the consent so given shall not impede the execution of any process civil or criminal issued under the authority of this state, except so far as such process may affect the real or personal property of the United States within the said territory.

Consent for
three
blocks given.

CHAP. 317.

AN ACT to authorize the superintendents of the poor of the county of Wayne, to sell a part of the poor house farm in said county.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Ten acres
may be sold.

§ 1. The superintendents of the poor of the county of Wayne, are hereby authorized and empowered to sell and convey by deed, subject to the right of the state, so much of the poor house farm in said county, as lies north of the south bounds of the Erie canal, (containing about ten acres of land,) for a sum not less than two hundred dollars; which, when received, shall be paid into the treasury of said county, for the benefit of the poor fund.

CHAP. 318.

AN ACT in addition to the provisions of the Revised Statutes, regulating the collection of taxes, and the proceedings in relation to unpaid taxes.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Payment
how to be
enforced in
case of refusal or neglect.

§ 1. In case of the refusal or neglect of any person to pay any tax imposed on him for personal property, if there be no goods or chattels in his possession upon which the same may be levied by distress and sale according to law, and if the property assessed shall exceed the sum of one thousand dollars, the collector of the town or ward, if he has reason to believe that the person taxed has debts, credits, choses in action, or other personal property not taxed elsewhere in this state, and upon which levy cannot be made according to law, shall report the same to the assessors of the town or ward. And any assessor may thereupon in his discretion make application within one year to the court of common pleas of the county, or to the supreme court, to enforce the payment of such tax.

Punishment
may be inflicted if
payment cannot be
enforced.

§ 2. The neglect or refusal to pay such tax according to law, shall be held and deemed to be a neglect or violation of duty or misconduct within the provisions of Title thirteen of Chapter eight of the third Part of the Revised Statutes; and the court upon application of an assessor as herein provided, and due proof, may proceed to enforce the payment or punish the misconduct in the same manner, and with the like authority,

as is provided in the above mentioned Title of the Revised Statutes in regard to offences therein made punishable, or to the enforcing the payment of money by fine and imprisonment, or either of them.

§ 3. The court may impose a fine for the misconduct mentioned in the next preceding section, sufficient in amount, for the payment of the tax assessed, and of the costs and expenses of the proceedings authorized by this act to enforce such payment, or to punish such misconduct; and the amount of such tax shall be paid out of such fine, to the county treasurer of the county, who shall apply the same in like manner as the tax was required to be applied, if the same had been collected by the collector; and the costs and expenses of such proceedings shall be paid out of such fine to the assessor who made the application, to enforce the payment of the tax.

Court may
inflict fine
for misconduct.

§ 4. Whenever any bond taken under the provisions of this act, for the appearance of the defendant, shall become forfeited and shall be ordered to be prosecuted, such order shall operate as an assignment of the bond to the county treasurer of the county, who shall be authorized to prosecute the same in any court of record in his name, as county treasurer of such county, as the assignee of the officer to whom the bond was given, in the same manner as in other actions on bonds, with conditions to perform covenants, other than for the payment of money; and the measure of damages in such action shall be the extent of such tax and the costs and expenses of the proceedings to enforce the payment thereof, and shall be applied and paid in like manner as the fine mentioned in the next preceding section is therein directed to be applied and paid; and in all such actions, if the plaintiff recovers, he shall recover all costs against the defendant.

Bond when
considered
assigned to
county
treasurer.

CHAP. 319.

AN ACT for the relief of William Wisner.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall be lawful for the Attorney-General of this state to give a full discharge and release to William Wisner, of a judgment rendered against him in favor of the people of this state, on the thirty-first day of August eighteen hundred and twenty-five.

W. Wisner
to be released.

§ 2. This act shall take effect immediately.

CHAP. 320.

AN ACT for the relief of Daniel A. Wells sub-contractor and Robert Moore and others, laborers under said Wells for labor done on section No. 10, of the enlargement of the Erie Canal.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Estimate of
labor to be
made and
settled.

§ 1. It shall be the duty of the canal commissioners to cause an estimate and final settlement of all labor done on section number 10, of the Erie canal enlargement (previous to the time the said section was taken from the said Wells, and given to Yates, Fuller & Co.) agreeably to the original contract prices.

Payment
how to be
made.

§ 2. The said commissioners shall pay the amount found due (if any,) in manner following : to Robert Moore, Patrick Masterson, Patrick Sweney, John Cannaday, John Connely, John Cartles, James Mack, Timothy O'Brien, Thomas Kelly, James Kelly, Michael Maloney, John Shaw, Edward McNally, Patrick McGowan, Charles Gallagher, Michael Mooney, William Holland, Patrick McCarty, James Fulton, Hugh Sullivan, Michael Mahoney, John Owens, John Callagher, Edward O'Neil, Michael Corney, Michael Murry, John Long, Richard Hays, John Shawley, Lawrence Rider, Edward McGowen, Thomas Banaghan, John McIntyre, David M. Geary, William Foley, Patrick Flanning, John Money, Patrick Hannahan, William Burns, Jeremiah Lorden, John Lorden, John Leaghan, William Leaghan, Patrick Hansfield, Edward Owen, Abner Jure, Patrick Ryan, James Sweeny, the several amounts found due them after a thorough investigation of the same ; and the balance (if any found due) shall be paid to the sub-contractor Daniel A. Wells, out of any moneys appropriated for the payment of labor on the enlargement of the Erie canal ; subject however to an appeal to the canal board.

CHAP. 321.

AN ACT in relation to the Lewisboro' School Fund.

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Trustees to
manage
stocks, &c.

§ 1. Jeremiah Howe, Charles Wright, and Isaac Hayes, are hereby appointed trustees of the Lewis school fund, and they are hereby authorized to receive, hold and manage the stocks,

and all and other personal or real estate which John Lewis may transfer, convey, or assign for the benefit of the town of Lewisboro'; and the trustees hereby appointed, shall continue in office for three years from the first Tuesday of April, one thousand eight hundred and forty-two; and that on the first Monday of May next, thereafter, the said trustees, shall be divided into three classes, to be numbered one, two, three; and that on the day last named, the said trustees shall meet at the office of the town aforesaid; and the town clerk shall write on separate pieces of paper as near alike as may be the numbers one, two, three, and roll them up as near alike as may be, and deposit them in a box. The said trustees shall severally draw from the box one of the said pieces of paper, and shall be classed according to the number written on the paper so drawn by him, and shall hold his office for such number of years, either one, two, three, as shall correspond with such number so drawn. If either of the said trustees shall neglect to attend at the time and place as above stated; the town clerk shall draw for him or them; the result of such drawing shall be recorded by the town clerk in the book in which the records of town meetings are kept.

§ 2. The inhabitants of the said town, shall annually, at the time and place of holding town meetings, elect by ballot a reputable freeholder for the office of trustee, to fill the place of him whose office shall expire on that day. If the office of either of the said trustees hereby appointed, shall become vacant by the death, resignation, removal from the town, or from any other cause, the justices of the peace shall fill such vacancy or vacancies until the next annual town meeting in the manner now provided by law in certain cases of town officers. And in case two or more persons shall at any town meeting, be chosen to fill a vacancy or vacancies, the time for which they shall severally be elected, shall be determined in the same manner and time subsequent thereto, as is provided for the classing of the trustees hereby appointed. It shall be the duty of the town clerk to notify the persons hereafter elected trustees, within the same time and manner as he is required to notify other town officers; and the persons chosen to the office of trustees, are hereby required to give notice of their acceptance of the said office within the time, and subject to all the penalties as is prescribed by law for persons chosen to the office of commissioners of schools; and also within ten days after their election or appointment by the justices as before provided, to execute a bond with one or more sureties to be approved by the supervisor of said town, in such sum as the board of town auditors shall determine, not exceeding double the amount of the personal or real estate which may come into the possession of said trustees, conditioned for the faithful performance of the duties enjoined by this act, and to indemnify

Trustees to
be chosen
yearly.

the said town against any malfeasance of the said trustees, which bond shall deposited in the office of the said town clerk.

Funds how
to be invest-
ed.

§ 3. It shall be the duty of the trustees hereby appointed and their successors in office, to keep the said stocks which have been, and which may hereafter be transferred to them, invested either in stocks, or loaned on bond and mortgage on real estate, of at least double the amount of the sum loaned, and the income, dividends, and interest accruing therefrom to pay semi-annually to the trustees of the several school districts and separate neighborhoods of said town, in the same manner, and under the same regulations and restrictions as is required of the commissioners of the common schools in the distribution of the common school moneys.

Book of ac-
count and
transfers to
be kept.

§ 4. The trustees hereby appointed, shall provide a book in which shall be entered, all transfers of bank stocks and amount of moneys which has been, or may hereafter be received by them, and the income arising therefrom, as the same shall accrue from time to time, and the amount of moneys apportioned to the several school districts, parts of districts, and separate neighborhoods, and the amount to each. On the Tuesday preceding the annual town meeting, the said trustees shall annually account to the board of town auditors of said town for the disbursements of all moneys received by them. At every such accounting, the board of auditors shall enter a certificate in the said book of accounts, showing the state of their accounts at the time of auditing the same, which certificate shall be publicly read by the town clerk at every annual town meeting, and before the election of town officers.

Pay of trust-
ees.

§ 5. The trustees hereby appointed, and their successors in office, shall receive such compensation for their services as the board of town auditors shall allow ; said sum to be levied, collected and paid in like manner as other town charges.

§ 6. This act shall take effect immediately.

CHAP. 322.

AN ACT for the relief of John Monroe.

Passed April 12, 1842, by a two-third vote.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Deeds de-
clared valid.

§ 1. The conveyance to James Wilson of the city of Rochester, county of Monroe, by William Atkinson and Elizabeth his wife of the same place, and by the said James Wilson and Nancy his wife, to Lyman Watkins of the same place of thirty-six feet, to be laid off from the eastern part of lots number 116, and 120, so known, on Elisha Johnson's map of the canal

tract, so called, being part of great lot number fifty, situate upon the north side of Hill-street in the city of Rochester, county aforesaid, by deeds both bearing date December twenty-fifth, in the year of our Lord one thousand eight hundred and twenty-seven, shall be of the same force, effect and validity, and confer the same title as if the said James Wilson had then been a citizen of the United States.

§ 2. The title, claim and interest of the people of the state of New-York, created by the conveyance of the said premises to said James Wilson an alien, is hereby released on payment of all costs, charges and expenses, if any, that may have occurred in any proceedings for the escheat of said premises on the part of this state. Title of the state released.

§ 3. This act shall take effect immediately.

CHAP. 323.

AN ACT to amend an act entitled "*An act to annex parts of the towns of Clayton and Alexandria to the town of Orleans.*"

Passed April 12, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. That the third section of said act is hereby repealed, and the territory therein described as taken from the town of Alexandria, is hereby annexed to the said town of Alexandria, as it was before the passage of the said act hereby amended. Repeal.

§ 2. This act shall take effect immediately.

CHAP. 324.

AN ACT to correct a clerical error in an act entitled "*An act in relation to proceedings in the court of chancery against absent, concealed or non-resident defendants, unknown owners in partition, and to the foreclosure of mortgages by advertisement,*" passed April 12th, 1842.

Passed September 3, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The sixth section of the act in the title hereof above mentioned is hereby amended and corrected, by striking out the word "mortgagee" in that part of the said sixth section which recites the eighth section of the fifteenth Title, of the eighth Chapter, of the third Part of the Revised Statutes, as Amendment mortgagor instead of mortgagee.

the same is thereby amended, and inserting the word "mortgagor" in lieu thereof, and the said eighth section, as amended by the said act, shall be construed in respect to all sales therein referred to, which have taken place since the same became a law, as if the word "mortgor" had been therein contained, in lieu of the word "mortgagee" at the time said act was passed, which is hereby declared to have been the original intention and construction of the legislature in the passage thereof.

§ 2. This act shall take effect immediately.

CHAP. 325.

AN ACT to divide the State into Congressional Districts

Passed September 6, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

State
divided.

§ 1. That for the election of representatives in congress of the United States, this state shall be and is hereby divided into thirty-four districts, namely .

First
district.

The counties of Suffolk and Queens shall compose the first district.

Second
district.

The counties of Richmond and Kings shall compose the second district.

Third
district.

The First, Second, Third, Fourth and Fifth wards of the city and county of New-York shall compose the third district.

Fourth
district.

The Sixth, Seventh, Tenth and Thirteenth wards shall compose the fourth district.

Fifth
district.

The Eighth, Ninth and Fourteenth wards shall compose the fifth district.

Sixth
district.

The Eleventh, Twelfth, Fifteenth, Sixteenth and Seventeenth wards shall compose the sixth district.

Seventh
district.

The counties of Westchester and Rockland shall compose the seventh district.

Eighth
district.

The counties of Putnam and Dutchess shall compose the eighth district.

Ninth
district.

The counties of Orange and Sullivan shall compose the ninth district.

Tenth
district.

The counties of Ulster and Delaware shall compose the tenth district.

Eleventh
district.

The counties of Columbia and Greene shall compose the eleventh district.

Twelfth
district.

The county of Rensselaer shall compose the twelfth district.

Thirteenth
district.

The city and county of Albany shall compose the thirteenth district.

The counties of Washington and Essex shall compose the Fourteenth district.

The counties of Warren, Franklin, Clinton, and townships Fifteenth district. number fifteen, thirty-two, seven, four, five and forty-one of Totten and Crossfield's purchase within the county of Hamilton, and all the territory in said county lying north of said townships, shall compose the fifteenth district; and all those parts of the said county of Hamilton shall, for all the purposes of any general or special election of state and county officers, electors of president and vice-president, and representatives in congress, be taken and deemed to be a part of the town of Long Lake in said county.

The counties of Saratoga, Schenectady, Fulton, and that part Sixteenth district. of the county of Hamilton not included in district number fifteen, shall compose the sixteenth district.

The counties of Herkimer and Montgomery shall compose Seventeenth district. the seventeenth district.

The counties of St. Lawrence and Lewis shall compose the Eighteenth district. eighteenth district.

The county of Jefferson shall compose the nineteenth dis- Nineteenth district. trict.

The county of Oneida shall compose the twentieth district. Twentieth district.

The counties of Otsego and Schoharie shall compose the Twenty-first district. twenty-first district.

The counties of Chenango, Broome and Tioga shall com- Twenty-second dist. pose the twenty-second district.

The counties of Madison and Oswego shall compose the Twenty-third district. twenty third district.

The county of Onondaga shall compose the twenty-fourth Twenty-fourth district. district.

The counties of Cayuga and Cortland shall compose the Twenty-fifth district. twenty-fifth district.

The counties of Tompkins, Chemung and Yates, shall com- Twenty-sixth district. pose the twenty-sixth district.

The counties of Seneca and Wayne shall compose the twen- Twenty-seventh district. ty-seventh district.

The county of Monroe shall compose the twenty-eighth Twenty-eighth district. district.

The counties of Ontario and Livingston shall compose the Twenty-ninth district. twenty-ninth district.

The counties of Steuben and Allegany shall compose the Thirtieth district. thirtieth district.

The counties of Cattaraugus and Chautauque shall compose Thirty-first district. the thirty-first district.

The county of Erie shall compose the thirty-second district. Thirty-second district.

The counties of Wyoming and Genesee shall compose the Thirty third district. thirty-third district.

And the counties of Orleans and Niagara shall compose the Thirty-fourth district. thirty-fourth district.

one member

Canvass in
N. York and
Hamilton.

§ 2. Each district shall be entitled to elect one member.

§ 3. In the city and county of New-York and in the county of Hamilton, it shall be the duty of the board of canvassers of such county to specify in their statement of the votes given for representatives in Congress, the number of votes given in each of the congressional districts to which the several portions of said county respectively belong, together with the names of the persons for whom such votes were given, and the number of votes given for each.

Meeting to
appoint
inspectors of
elections,
&c.

§ 4. In all cases where the meeting required to be held in pursuance of "An act respecting elections other than for militia and town officers," passed April 5, 1842, by the supervisor, assessors and town clerk of the respective towns, and by the common council of the respective cities in this state, on the first Tuesday of September instant, has not been held on that day, it shall instead of that day, be held on the first Monday of October next; and the same adjournments, notices, appointments of inspectors of election and other proceedings may be had, under this amendment, as are required or authorized by the said act: Provided, that no adjournment shall extend beyond the fifteenth day of October next.

§ 5. This act shall take effect immediately.

CHAP. 326.

AN ACT to provide for the payment of the expenses of the present extra session.

Passed September 6, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The Treasurer shall pay, on the warrant of the Comptroller, out of any money in the treasury not otherwise appropriated,

Allowance
to commit-
tee of 16, for
reporting
about Con-
gress dis-
tricts.

To Halsey Rogers, John A. Lott, David R. F. Jones, John W. Lawrence, Jeremiah Russell, John A. Dix, John Laraway, George A. Simmons, Ichabod C. Baker, Elihu C. Church, Lorenzo Dana, Richard W. Juliand, David Munro, William C. Kelly, Sandford E. Church, Francis O. Pratt, each the sum twenty-one dollars for their respective services on the committee of sixteen to report on the apportioning the state into congressional districts.

To clerk of
Senate and
Assembly.

To the clerk of the senate and the clerk of the assembly each the sum of one hundred dollars for their services at the present extra session.

To deputy
clerks.

To each of the deputies of the clerk of the senate, not exceeding two in number, and to each of the deputies of the clerk

of the assembly, not exceeding three in number, seventy-five dollars, for their services at the present extra session.

To Abner N. Beardsley, sergeant-at-arms of the assembly, John W. Turner, doorkeeper of the assembly, to George Van Dusen, first assistant doorkeeper of the assembly, Pliny M. Bromley, second assistant doorkeeper of the assembly, Isaac R. Elwood, clerk of the senate, Charles Niven, sergeant-at arms of the senate, and Joel Gillet, doorkeeper of the senate, each for travel to and from the extra session, the same mileage as is by law allowed to members of the legislature.

To Pliny M. Bromley, second assistant doorkeeper of the assembly, and Martin Miller, assistant doorkeeper of the senate, the sum of three dollars for each day's actual attendance at the present extra session.

To William Fink, the usual compensation as a member of the assembly during the present extra session, he having been prevented from attendance by sickness.

To Samuel G. Courtney, for his services as a messenger to the committee of sixteen aforesaid, the sum of nine dollars.

To William Kane, for his services in attending the assembly chamber seven days while the aforesaid committee of sixteen were in session, eleven dollars and fifty cents, and for each day's actual attendance at the present extra session, one dollar and fifty cents a day.

To Samuel Cooper, one of the messengers of the assembly, for his travel to and from the session and the extra session, one half the same pay for mileage as is allowed by law to members of the legislature.

To David St. John, for his services in lighting lamps, sweeping the capitol and attending the extra session, one dollar and fifty cents for each day's actual attendance, and for cleaning, ventilating and preparing the capitol for the extra session, twenty-seven dollars.

To Elizabeth Boardman and Elizabeth Blakeman, for services during the extra session, in the care of the assembly chamber and hall of the capitol, each thirty dollars, and to Mrs. Parks, for her care of the executive chamber during the present extra session, fifteen dollars.

To William D. Jones, for his services in drafting a map for the use of the legislature, in apportioning the state into congressional districts, thirty-six dollars.

To John Hall, for lithographing said map, printing, painting and furnishing the same, three hundred and ten dollars and eighty-eight cents.

§ 2. The Comptroller is hereby authorized to audit and cause to be paid, on his warrant, by the treasurer, out of any money in the treasury not otherwise appropriated, such sums as shall be proved to his satisfaction to be due for materials

Mileage of certain officers.

Pay of P. M. Bromley & M. Miller.

Pay of W. Fink.

Pay of S. G. Courtney.

Pay of W. Kane.

Mileage of S. Cooper.

Pay of D. St. John.

Pay of E. Boardman and E. Blakeman.

Allowance to W. D. Jones.

To J. Hall.

The sum of \$3,500 allowed for State Hall.

furnished for and work done on and about the state hall, not exceeding in the whole three thousand five hundred dollars.

Pay of C.
Bryan.

§ 3. The treasurer shall pay, on the warrant of the Comptroller, to Charles Bryan, deputy clerk of the senate, fifty dollars, for services rendered in keeping the executive journal and assisting the clerk of the senate in his duties, in his absence on account of illness.

Pay of W.
Richards.

§ 4. The Treasurer shall pay, on the warrant of the Comptroller, to William Richards, three dollars per day for sixteen day's services in sweeping and dusting in the senate chamber during the recess of the legislature.

Pay of chap-
lains.

§ 5. The Treasurer shall pay, on the warrant of the Comptroller, to the several clergymen who have officiated as chaplains during the present session of the legislature, in opening the sittings of the two houses with prayer, the same compensation for their daily attendance as is allowed by law to the members of the legislature, such attendance to be duly ascertained and certified by the clerks of the two houses.

Allowance
for journals
of Provin-
cial Con-
gress.

§ 6. The Comptroller shall audit and the Treasurer pay, on the warrant of the Comptroller, the expenses of transcribing, printing, binding and delivering the Journals of the New-York Provincial Congress and Convention and Committee of Safety, performed by direction of the Governor, under the joint resolution of the senate and assembly, passed in 1841, and the expenses of making and preparing the Index to the same.

Allowance
to L. Shad-
wick, M.
Richards &
C. Went-
worth.

§ 7. The Treasurer shall pay, on the warrant of the Comptroller, to Lucy Shadwick, the sum of six dollars, for services in cleaning the senate chamber during the recess of the legislature; to Maria Richards, the sum of six dollars, for like services; to Catharine Wentworth, for services in the care of the senate chamber during the recess of the legislature and the present extra session, forty dollars and fifty cents.

Allowance
to E. M.
Rowe & L.
K. Norton.

§ 8. The Treasurer shall pay on the warrant of the Comptroller, to Erastus M. Rowe and Loren K. Norton, each the sum of one dollar and fifty cents per day for the time necessarily spent in and upon the assembly chamber during the present extra session of the legislature.

Allowance
to W. W.
Dean, E. G.
Palmer and
J. Harman.

§ 9. The Treasurer shall pay, on the warrant of the Comptroller, to William W. Dean, Elias G. Palmer and Joseph Harman deputies of the clerk of the assembly, each for travel to and from the extra session, the same mileage as is by law allowed to members of the legislature.

§ 10. This act shall take effect immediately.

CONCURRENT RESOLUTIONS
OF THE
SENATE AND ASSEMBLY.

STATE OF NEW-YORK.

In Senate, January 10, 1842.

Resolved, (if the assembly concur) That the Secretary of State be required to supply for the library of the senate twelve additional copies of the laws of last session, twelve copies of the laws of 1834, twelve copies of the Revised Statutes and twelve copies of the laws of last session for the library of the assembly.

By order,
SAML. G. ANDREWS, *Clerk.*

In Assembly, January 12, 1842.

Resolved, That the assembly do concur in the above resolution.

By order,
J. O. COLE, *Clerk.*

STATE OF NEW-YORK.

In Assembly, February 1, 1842.

Whereas The salutary energy of General Jackson at New-Orleans, during the campaign of 1814 and 1815, have repeatedly received the approbation of the American people:

And whereas, Congress on the 15th day of February, 1815, voted thanks to that illustrious citizen, for his gallantry and good conduct at New-Orleans, and directed a gold medal to be struck and presented to him in testimony of the high sense

CONCURRENT RESOLUTIONS.

entertained by congress of events so memorable and services so eminent :

Resolved, therefore, (the senate concurring,) That our senators and representatives in congress be earnestly requested to use their best effort to procure the passage of a law directing that the fine of one thousand dollars, imposed on General Jackson by Dominick A. Hall, then judge of the United States for the district of Louisiana, for an alleged contempt of his authority, and by him paid into the hands of the marshal of the said district, be refunded to Andrew Jackson, with costs and interest on the same from the day of the payment thereof.

By order,

J. O. COLE, *Clerk*.

STATE OF NEW-YORK.

In Senate, April 9, 1842.

Resolved, That the Senate do consent to the said resolution.

By order,

I. R. ELWOOD, *Clerk*.

STATE OF NEW-YORK.

In Senate, March 22, 1842.

Resolved, (if the assembly concur,) That the Surveyor-General be and he is hereby directed to collect from the office of the Secretary of State, and wherever else they may be found, the several volumes of maps and profiles, and field books made by the state road commissioners, under the act to provide for the survey of a land communication between Lake Erie and the Hudson river, passed April 20th, 1825, and when found and collected, it shall be his duty carefully to keep the same in his office.

By order,

ISAAC R. ELWOOD, *Clerk*.

In Assembly, March 22, 1842.

Resolved, That the house do concur with the senate in their said resolution.

J. O. COLE, *Clerk*.

STATE OF NEW-YORK.

In Assembly, March 23, 1842.

Resolved, (if the senate concur,) Tha so much of the concurrent resolution of the senate of April 17, 1841, and which passed the assembly May 24, 1841, as provides for sending to each state of the Union a copy of the Journals of the New-

York Provincial Congress and Convention and Committee of Safety, be and the same is hereby rescinded; and that such copies, with those ordered by said resolution to be deposited in the office of the Secretary of State, be distributed as follows, viz: One copy to each member and officer of the present legislature of this state, and one copy to the Lieutenant-Governor. The volumes to be delivered as completed.

By order,

J. O. COLE, *Clerk*.

STATE OF NEW-YORK.

In Senate, March 29, 1842.

Resolved, That the senate do concur in the above resolution.

By order,

ISAAC R. ELWOOD, *Clerk*.

STATE OF NEW-YORK.

In Senate, March 30, 1842.

Resolved, (if the assembly concur,) That the Secretary of State be authorized and required to furnish to the Governor, Lieutenant-Governor, state officers, and to each of such members of each branch of the legislature of this state as shall apply therefor in writing, and to the officers thereof one copy each, and so many copies for the state and legislative libraries as will, in the whole, make two hundred copies, at a price not exceeding two dollars per copy, of a gazetteer of the state of New-York; comprising its topography, geology, mineral resources, civil divisions, canals, rail-roads and public institutions, together with general statistics of the state including the census of 1840; and a new township map, published by J. Disturnell in 1842.

Resolved, (if the assembly concur,) That the concurrent resolutions of the senate and assembly, passed May 26, 1841, authorizing the Governor to cause to be prepared "a statistical account of this state," &c. (Session Laws, 1841, page 371,) be and the same is hereby rescinded.

By order,

ISAAC R. ELWOOD, *Clerk*.

STATE OF NEW-YORK.

In Assembly, March 31, 1842.

Resolved, That the assembly do concur with the senate in their said resolutions.

By order,

J. O. COLE, *Clerk*.

CONCURRENT RESOLUTIONS.

STATE OF NEW-YORK.

In Assembly, April 7, 1842.

Resolved, (if the senate concur,) That our senators in congress be instructed, and our representatives be requested, to vote for an immediate repeal of the act to appropriate the proceeds of the public lands, passed at the extra session, September fourth, one thousand eight hundred and forty-one.

By order,

J. O. COLE, *Clerk.**In Senate, April 11, 1842.*

Resolved, That the senate do concur in the above resolution.

By order,

ISAAC R. ELWOOD, *Clerk.*

STATE OF NEW-YORK.

In Assembly, April 8, 1842.

Resolved, as the sense of this legislature, that the franking privilege tolerated by the post-office law of the United States, is a monopoly unsuited to the spirit of the age, subject to enormous abuses, and an unreasonable burden to the few letter correspondents that bear the principal expense of the establishment, and ought to be abolished.

Resolved, That for the purposes of diminishing the burdens of correspondents, increasing the revenue of the post-office establishment, and restoring the community, rich and poor, to an equal participation in its benefits, letter postage ought to be greatly reduced, and the disparity between the charge on letters and other matter carried in the mail corrected.

Resolved, (if the honorable senate concur herein,) That our representatives and senators in congress be respectfully requested to use their best endeavors to procure a reform in the post-office law, based on the above views.

Resolved, That the Executive of this state be respectfully requested to transmit copies of the foregoing resolutions and report to the senators and representatives in congress, and also to the executives of our sister states, with a view to their being laid before their respective legislative bodies.

By order,

J. O. COLE, *Clerk.*

STATE OF NEW-YORK.

*In Senate, April 9, 1842.**Resolved,* That the senate do concur in the said resolutions.

By order,

I. R. ELWOOD, *Clerk.*

STATE OF NEW-YORK.

In Senate, April 11, 1842.

WHEREAS the Governor of this state has refused to deliver up, upon the demand of the executive authority of Virginia, Peter Johnson, Edward Smith and Isaac Gansey, alleged fugitives from justice, charged with the crime of theft, viz. stealing a slave within the jurisdiction and against the laws of Virginia: AND WHEREAS the Governor has assigned as the reason for such refusal, that the stealing of a slave within the jurisdiction and against the laws of Virginia, is not a felony or other crime within the meaning of the second section of the fourth article of the constitution of the United States:

Resolved, That in the opinion of this legislature, stealing a slave within the jurisdiction and against the laws of Virginia is a crime within the meaning of the second section of the fourth article of the constitution of the United States.

Resolved, That the Governor be requested to transmit the foregoing preamble and resolution to the executive department of Virginia.

By order,

I. R. ELWOOD, *Clerk.*

STATE OF NEW-YORK.

In Assembly, April 11, 1842.

Resolved, That the assembly do concur with the senate in the above resolutions.

By order,

J. O. COLE, *Clerk.*

STATE OF NEW-YORK.

In Senate, August 23, 1842.

Resolved, (if the assembly concur,) That so much of the joint resolution, passed on the ninth day of April last, as confines the subject of legislation to the apportionment of congressional districts, be so far modified as to allow legislative action on the following concurrent resolution:

CONCURRENT RESOLUTIONS.

Resolved, (if the assembly concur, That the Comptroller be and he is hereby authorized and directed to postpone the sale of the New York and Erie railroad and its appurtenances, until the first Tuesday in May next.

By order.

ISAAC R. ELWOOD, *Clerk*.

STATE OF NEW-YORK.

In Assembly, Aug. 25, 1842.

Resolved, That the assembly do concur with the senate in the above resolution.

By order,

J. O. COLE, *Clerk*.

STATE OF NEW-YORK.

In Assembly, September 5th, 1842.

WHEREAS the congress of the United States, at its recent session, has passed a law entitled "An act for the apportionment of representatives among the several states according to the sixth census," which act provides that the said representatives shall be chosen by districts composed of contiguous territory, no one district electing more than one representative: AND WHEREAS, the constitution of the United States declares that the times, places and manner of holding elections for senators and representatives, shall be prescribed by the legislatures of the several states, reserving to congress the power by law to make or alter such regulations, except as to the places of choosing senators: AND WHEREAS the principal ground on which the reservation of this power to congress was urged, when the constitution was submitted to the states for adoption, was that it was indispensable to enable the general government to provide for its own safety and preservation, in case the states should neglect, refuse or be unable to provide for the election of representatives: AND WHEREAS, a majority of the thirteen original states, by solemn public acts, objected to the provision by which the power was conferred, and declared themselves in favor of such an amendment to the constitution, as should restrain congress from any interference with the regulations of the states for the election of representatives, unless the states should neglect, refuse or be unable to make such regulations: AND WHEREAS, the states have continued for more than half a century, in the undisturbed enjoyment of the right given to them by the constitution to prescribe the times, places and manner of choosing their representatives in congress, and have faithfully fulfilled that high trust, and no public exigency has arisen to call for the interposition of congress to overrule them in its exercise: Therefore,

Resolved, (if the senate concur,) that in the opinion of this legislature, the interference of congress in a matter peculiarly of state concern, under no circumstances of public necessity, is unjustifiable, a violation of the spirit of the provision of the constitution, under which the right of interference is asserted, and at variance with the intention of its framers.

Resolved, (if the senate concur,) That in the opinion of this legislature, the act aforesaid is the fruit of an arbitrary and dangerous exercise of power in congress, and an invasion of the rights of the states, each of which ought to be left, in its own independent judgment, to prescribe such regulations for the choice of representatives as may be dictated by the wishes and convenience of its own citizens.

Resolved, (if the senate concur,) That our senators in congress be instructed, and our representatives requested to use their influence to procure a repeal of the said act.

Resolved, (if the senate concur,) That in the opinion of this legislature, the interference of congress with the choice of representatives in the different states, without being justified by any of the circumstances, against which the provision of the constitution authorizing its interposition was particularly designed to guard, can only be viewed as the evidence of an alarming disposition in the federal legislature to encroach upon the just rights of the states, and that early and efficient measures ought to be taken to provide against the repetition of the evil by an amendment to the constitution of the United States.

Resolved, (if the senate concur,) That in pursuance of the object expressed in the last resolution, the following amendment, which was proposed by the convention of the state of New-York, when the constitution of the United States was ratified, ought to be engrafted as a permanent provision upon that instrument, viz:

Congress shall not make or alter any regulation in any state respecting the times, places and manner of holding elections for senators or representatives, unless the legislature of such state shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same, and that in those cases such power shall be only exercised until the legislature of such state shall make provision in the premises: provided that congress may prescribe the time for the election of representatives.

Resolved, (if the senate concur,) That the Governor of this state be requested to communicate a copy of these resolutions to the Governor of each of the other states of the Union, with the request that they may be laid before the legislatures thereof respectively.

Resolved, (if the senate concur,) That the Secretary of State be directed to transmit a certified copy of these resolu-

CONCURRENT RESOLUTIONS.

tions to each of the senators and representatives in congress from this state.

By order of the assembly.

L. S. CHATFIELD, *Speaker*.

Attested by

J. O. COLE, *Clerk*.

STATE OF NEW-YORK.

In Senate, September 6th, 1842.

Resolved, That the senate do concur with the assembly in their said preamble and resolutions.

By order of the senate.

A. C. PAIGE, *President pro tem*.

Attest.

I. R. ELWOOD, *Clerk*.

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